



# Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Thirty-Third Day

Thursday Morning

April 1, 2021

The invocation was offered by Chaplain Matt Barnes of the Public Servant's Prayer.

The House convened at 10:30 a.m. with Deputy Pro Speaker Michael H. Karickhoff in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Porter.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer <input type="checkbox"/>
Baird	Ledbetter
Barrett	Lehe <input type="checkbox"/>
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas <input type="checkbox"/>
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris <input type="checkbox"/>
Davis	Morrison <input type="checkbox"/>
Davisson <input type="checkbox"/>	Moseley <input type="checkbox"/>
DeVon	Negele
DeLaney	Nisly
Dvorak	O'Brien
Eberhart	Olthoff
Ellington	Pack
Engleman	Payne
Errington	Pfaff <input type="checkbox"/>
Fleming	Pierce
Frye <input type="checkbox"/>	Porter
GiaQuinta	Prescott
Goodrich	Pressel
Gore	Pryor
Gutwein	Rowray
Hamilton	Saunders
Harris	Schaibley
Hatcher	Shackleford
Hatfield	Slager
Heaton	Smaltz
Heine	Smith, V.
Hostettler	Snow
Jackson	Soliday <input type="checkbox"/>
Jacob	Speedy
Jeter	Steuerwald
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr  
VanNatter  
Vermilion  
Wesco

J. Young  
Zent  
Ziemke  
Mr. Speaker ☐

Roll Call 338: 89 present; 11 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, April 5, 2021, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 15

The Speaker handed down Senate Concurrent Resolution 15, sponsored by Representatives Engleman, Payne, Clere, Davisson and Fleming:

A CONCURRENT RESOLUTION congratulating Silver Creek High School girls basketball team on winning the 2021 Indiana High School Athletic Association ("IHSAA") Class 3A championship title.

*Whereas, The Silver Creek High School girls basketball team captured the 2021 IHSAA Class 3A championship title after defeating South Bend Washington High School;*

*Whereas, The team consists of teammates Kynidi Striverson, Jenna duPont, Hallie Foley, Maddie Hunter, Sydney Sierota, Abby Grimm, Jaclyn Emly, Marissa Gasaway, Alana Striverson, Olivia Johnston, Lacey Tingle, Emme Rooney, Reese Decker, Devonny Wilkerson, and Savannah Kirchgessner;*

*Whereas, To earn their spot in the state championship game, the Lady Dragons defeated the Salem Lady Lions in the sectional championship, the Rushville Lady Lions in the regional championship, and the Tri-West Lady Bruins in the semi-state championship;*

*Whereas, Fighting for the state title, the Silver Creek Lady Dragons faced off against the South Bend Washington Panthers at Bankers Life Fieldhouse in Indianapolis;*

*Whereas, Ending the first half with a strong 10-point lead, the Lady Dragons kept up the pressure against the Panthers, finishing the game with a score of 54-48;*

*Whereas, Marissa Gasaway led the Lady Dragons with 18 points and 10 rebounds, Alana Striverson contributed 11 points, and Kynidi Striverson made 10 points, with 9 rebounds and 7 assists;*

*Whereas, Following the game, Jaclyn Emly was named as the winner of the Patricia L. Roy Mental Attitude Award by the members of the IHSAA Executive Committee to honor her positive mental attitude and commitment to scholarship, leadership, and athletic ability;*

*Whereas, The Silver Creek Lady Dragons, led by coach Scott Schoen, finished the season with a 25-3 record and earned the program's first state championship in school history; and*

*Whereas, The Silver Creek Lady Dragons' hard work, grit, and determination were key to the team's success in winning the state title: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Silver Creek High School girls basketball team for their first IHSAA Class 3A state championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to each member of the Silver Creek High School girls basketball team

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **Senate Concurrent Resolution 16**

The Speaker handed down Senate Concurrent Resolution 16, sponsored by Representative Gore:

A CONCURRENT RESOLUTION honoring Paul A. Kaiser, PhD. upon his retirement as the superintendent of Beech Grove City Schools.

*Whereas, Dr. Kaiser has enjoyed a forty-one year career as an educator and school administrator, serving the last eleven years as superintendent of Beech Grove City Schools;*

*Whereas, As superintendent, Dr. Kaiser led Beech Grove Schools to multiple achievements, including improving facilities for students, increasing enrollment, developing a top agriculture science program, and implementing a research-based Curriculum and Instruction program for all grade levels throughout the district;*

*Whereas, Dr. Kaiser diligently navigated Beech Grove City Schools through the 2020 COVID-19 pandemic, promoting academic success for his students while ensuring their health and safety;*

*Whereas, Dr. Kaiser has always prioritized the best interests of his students and the Beech Grove school district; and*

*Whereas, Upon his retirement as superintendent of Beech Grove City Schools, Dr. Kaiser plans to spend more time with his family, reading, boating, and catching smallmouth bass: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors Paul A. Kaiser, PhD. on the occasion of his retirement from Beech Grove City Schools.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Paul A. Kaiser, PhD. and his family

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

### **House Resolution 29**

Representatives Hostettler, Lehe, Baird, Davis, Lucas, Heaton, Nisly, Jacob, Jeter, Judy, Barrett, Prescott, Lindauer, Goodrich, King and Borders introduced House Resolution 29:

A HOUSE RESOLUTION urging Governor Eric Holcomb to close abortion clinics.

*Whereas, Indiana businesses and medical providers have been adversely affected by forced closures and restricted operations during the COVID-19 public health emergency;*

*Whereas, Governor Eric Holcomb issued Executive Order 20-02 declaring a public health emergency on March 6, 2020, under the authority of Indiana's Emergency Management and Disaster Law (IC 10-14-3) in response to the global coronavirus disease 2019 (COVID-19) pandemic;*

*Whereas, IC 10-14-3-12 provides that a state disaster emergency declared under IC 10-14-3 may not continue for more than thirty (30) days unless the state of disaster emergency is renewed by the governor;*

*Whereas, Governor Holcomb has renewed the state of emergency 12 times, and he has publicly announced plans to extend the state of emergency into April; and*

*Whereas, The Indiana House of Representatives finds that the various restrictions imposed upon the residents of Indiana to implement the state of disaster emergency must be applied equitably to protect the health, safety, and welfare of all Hoosiers: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives urges Governor Eric Holcomb to close abortion clinics in Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Matthew Hostettler for distribution.

The resolution was read a first time and referred to the Committee on Public Health.

### **House Resolution 30**

Representative Eberhart introduced House Resolution 30:

A HOUSE RESOLUTION urging Governor Holcomb to reaffirm September as Brain Aneurysm Awareness Month.

*Whereas, A brain aneurysm, also referred to as a cerebral aneurysm or intracranial aneurysm, is a weak bulging spot on the wall of a brain artery;*

*Whereas, Although relatively uncommon, ruptured aneurysms are very serious and usually associated with a high mortality rate and disability;*

*Whereas, The blood flow within the artery pounds against the thinned portion of the wall, and bulging spots form that begin to swell outward;*

*Whereas, Pressure may cause this aneurysm to rupture, allowing blood to escape into the space around the brain, which usually requires advanced surgical treatment;*

*Whereas, Survivors of brain aneurysms face many challenges on their road to recovery, including physical challenges, emotional challenges, depression, and potential deficits;*

*Whereas, Only through knowledge and understanding will we be better able to help survivors and ensure that all of their rights are protected;*

*Whereas, Governor Eric Holcomb first recognized September as Brain Aneurysm Awareness Month in 2018; and*

*Whereas, It is critically important to help raise awareness of brain aneurysms, including methods of early detection and treatment: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives urges Governor Eric Holcomb to reaffirm September as Brain Aneurysm Awareness Month to raise awareness and better help survivors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Governor Eric Holcomb, the Brain Aneurysm Foundation, and Raymond Morefield.

The resolution was read a first time and adopted by voice vote.

### House Resolution 31

Representative VanNatter introduced House Resolution 31:

A HOUSE RESOLUTION urging the legislative council to assign to an appropriate study committee the topic of financial security in retirement for all Hoosiers.

*Whereas, The nation faces a vast retirement savings deficit in which half of all households in the United States are on a path that leads to financial insecurity during retirement;*

*Whereas, Social Security benefits for Indiana residents average only \$1,590 per month, and many workers rely on employer-sponsored retirement plans to supplement their income as they age;*

*Whereas, One-third of retirees are dependent on Social Security for 90% or more of their income according to Forbes magazine in 2019, and Social Security is the only source of income for 3 in 10 Indiana residents over the age of 65 according to the AARP;*

*Whereas, Employees who are unable to effectively build their retirement savings risk becoming dependent on social safety net programs that will cost taxpayer dollars later in their lives;*

*Whereas, The state of Indiana has a vested interest in helping people save their own money for retirement in order to be self-sufficient as they age;*

*Whereas, A study by the AARP found that Indiana taxpayers could save \$55.9 million on public assistance programs between 2018 and 2032 if lower-income retirees save enough to increase their retirement income by \$1,000 more per year;*

*Whereas, Small businesses may not offer retirement plans to their employees because of concerns about costs, complexity, time burdens, and potential liability;*

*Whereas, Offering retirement plans to employees will make businesses more competitive and help reduce employee turnover;*

*Whereas, Nearly 40 million Americans do not have a workplace retirement plan, and more than one million workers in Indiana do not have a way to save for retirement at work;*

*Whereas, Workers who have a way to save for retirement by utilizing a payroll deduction are 15 times more likely to save for retirement;*

*Whereas, The aforementioned facts highlight a retirement security crisis that will have significant impacts on state and local government budgets and revenues as well as the economic well-being of retirees, their families, and Hoosier communities; and*

*Whereas, A national financial capability study found that only 35 percent of Hoosiers and 37 percent of U.S. adults answered four to five questions correctly out of a five-question survey regarding personal finance management: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives urges the legislative council to assign to an appropriate study committee the tasks of: (1) studying how the state of Indiana may reduce the regulatory and operational burden on small businesses to promote payroll deduction as a retirement savings option for employees; (2) studying the preparedness of Hoosiers to retire in a financially secure manner; and (3) studying the need for a statewide financial literacy strategy.

The resolution was read a first time and adopted by voice vote.

### House Resolution 32

Representative Karickhoff introduced House Resolution 32:

A HOUSE RESOLUTION honoring Bill Eldridge upon his retirement from the Kokomo Perspective.

*Whereas, Bill Eldridge was born in Brookston, Indiana, in 1952. He moved to Kokomo in 1976 and has lived there since;*

*Whereas, He worked in sales from a young age at several radio stations, including WIOU/WKMO, WIOU/WZWZ, and WWKI. He also worked in telecable and owned a convenience store;*

*Whereas, In May of 1993, Bill found his career when he joined the Kokomo Perspective, a local newspaper that was started in 1989, as an owner;*

*Whereas, Bill worked as the business and sales manager for the Kokomo Perspective for the next 30 years, where he built relationships with small business owners to help them grow their companies through advertising with the Kokomo Perspective;*

*Whereas, Bill was heavily involved in his community, which is exemplified through his service on the Kokomo Parks & Recreation Board for 16 years, the Kokomo Planning Commission for 16 years, and the Red Cross Board. He is also recognized for helping start the longstanding Howard County Sports Hall of Fame, Hall of Legends, and the Soapbox Derby;*

*Whereas, Bill Eldridge was presented with the high honor of the Council of the Werowances of the Wildcat Award;*

*Whereas, Bill Eldridge served as the local voice in sports as the play-by-play announcer for Western High School and WWKI broadcast sports;*

*Whereas, Bill's love for recreation shines through his commitment and efforts as a keystone organizer of the annual Liberty Cup Golf Tournament and long-time player at the YMCA noon basketball league;*

*Whereas, Bill contributed to the Perspective's editorial content over the years, and helped to uncover significant stories that are remembered to this day;*

*Whereas, Bill continued to work as the sales manager even after he sold the newspaper company in 2017 to Brian Oaks; and*

*Whereas, Bill Eldridge's commitment to truth, transparency, and accuracy shines through his work in the local news industry: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes Bill Eldridge's retirement with the positive memories of his many years of dedication in the newspaper industry and his commitment and service to the Greater Kokomo area.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Mike Karickhoff for distribution.

The resolution was read a first time and adopted by voice vote.

### House Concurrent Resolution 38

Representative Lehman introduced House Concurrent Resolution 38:

A CONCURRENT RESOLUTION congratulating the 2020 South Adams High School Starfires football team on its record-breaking season.

*Whereas, The South Adams High School football team won its eighth sectional title, third regional title, and first semi-state title in school history in 2020;*

*Whereas, The Starfires placed second in the 2020 Class A championship;*

*Whereas, South Adams broke or tied 53 school records, 14 of which were offensive, 4 of which were defensive, and 35 of which were individual records;*

*Whereas, The Starfires set a new school record for most season wins (13), breaking the previous record of 12 set in 1992;*

*Whereas, The Starfires set a new school record of 571 yards gained in their game against Southwood High School;*

*Whereas, The Starfires set a new school record of fewest rushing yards allowed in their game against Bluffton High School with -57 yards, breaking the previous record of -23 set in 1999;*

*Whereas, The Starfires set a new school record for 23 interceptions in a season, breaking the previous record of 19 set in 1996;*

*Whereas, Coach Grant Moser was awarded the Indiana High School Athletic Association (IHSAA) North Team All-Star Coach Award;*

*Whereas, Coach Moser was recognized as the Indiana Football Coaches Association (IFCA) 1A Head Coach of the Year;*

*Whereas, Assistant Coach Scott Steiner was awarded the IHSAA North Team All-Star Assistant Coach Award;*

*Whereas, Coach Steiner was recognized as the IFCA Assistant Coach of the Year;*

*Whereas, Quarterback James Arnold, wide receiver Drew Stutzman, and tight end Nick Miller made the Region 3 All-Star Team;*

*Whereas, WPTA21 News recognized quarterback James Arnold as Player of the Year;*

*Whereas, Nick Miller set a new school record for tackles for loss in a game with six tackles for loss against Bluffton High School;*

*Whereas, Nick Miller set a new school record for tackles for loss in a season at 29.5 tackles for loss, breaking the previous record which he set two years prior;*

*Whereas, Aidan Wanner set a new school record for points scored in a career (328 points), breaking the previous record of 225 career points set by Jeff Sorg in 1992;*

*Whereas, Christian Summersett set a new school record for touchdowns in a season, scoring 23 touchdowns;*

*Whereas, Drew Stutzman set a new record for multiple touchdown games in his career (17 games), breaking the previous record of 11 set by Jeff Sorg in 1992;*

*Whereas, Trey Schoch set a new school record for number of punt return yards in a season (545 returned yards), breaking the previous record of 330 yards set in 1978 by Gino Fisher;*

*Whereas, Trey Schoch set a new school record for number of punt return yards in his career (796 returned yards), breaking the previous record of 546 yards set in 1999 by Cory Neuenschwander;*

*Whereas, James Arnold achieved a 61.1% passing completion rate over his career at South Adams High School, breaking the previous record set in 1992;*

*Whereas, James Arnold threw 19 consecutive 100-yard passing games, setting the first school record in this category; and*

*Whereas, James Arnold threw 47 touchdown passes during the 2020 season, breaking the previous record which he set a year prior: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the 2020 South Adams High School Starfires football team on their record-breaking season.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the office of State Representative Matt Lehman for distribution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Holdman.

### House Concurrent Resolution 39

Representative Thompson introduced House Concurrent Resolution 39:

A CONCURRENT RESOLUTION designating a salute to the Indiana State Flag.

*Whereas, In 1916, Indiana Daughters of the American Revolution commemorated Indiana's centennial anniversary by sponsoring a competition for the design of a state banner;*

*Whereas, The winning design by Paul Hadley, which was a blue field with yellow stars representing each of the first nineteen states, was adopted by the Indiana Supreme Court in 1917, and, in 1955, it was designated as the official state flag;*

*Whereas, In 2016, in order to celebrate Indiana's bicentennial, Indiana Daughters of the American Revolution sponsored the "Salute Indiana!" competition, approved by the State Bicentennial Commission as an Official Legacy Project, seeking the creation of a salute or pledge to the Indiana Flag;*

*Whereas, The "Salute Indiana!" competition, which echoed the 1916 centennial contest held by Indiana Daughters of the American Revolution, was open to all Indiana residents age 13 and older;*

*Whereas, The winning composition was selected from a field of 112 entries by a panel of five judges, who met on October 19, 2016, at the Indianapolis Historical Society;*

*Whereas, The judging panel was composed of Loretta Rush, Chief Justice of the Indiana Supreme Court; Major General Courtney Carr, Adjutant General of the Indiana National Guard; John Herbst, President of the Indiana Historical*

*Society; Jacob Speer, Director of the Indiana State Library; and Bruce Blomberg, Social Studies Specialist of the Indiana Department of Education;*

*Whereas, The "Salute Indiana!" winning composition, by Gretchen Aggertt Weber, reads as follows: "O, blue and gold, with torch of old, / Enlighten our path with hope. / Hoosiers, we look up to thee / And pledge our all to liberty".*

*Whereas, The Indiana flag was publicly greeted with this salute for the first time in a statewide gathering of about 300 Indiana Daughters of the American Revolution on October 29, 2016;*

*Whereas, Since that date, this salute has been designated an official part of Indiana Daughters of the American Revolution proceedings and ceremonies;*

*Whereas, This salute is also used by many other civic and private organizations of Indiana in their official proceedings and ceremonies; and*

*Whereas, Indiana's sons and daughters love their state, symbolized by its flag, and wish to greet this flag with respect and affection: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the aforementioned salute, by Gretchen Aggertt Weber, be designated as the official salute to the state flag of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Jeffrey Thompson for distribution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Crane.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 5, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 12, begin a new paragraph and insert:

"SECTION 2. IC 16-18-2-200 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 200. (a) Except as provided in subsections (b) and (c), "legislative body" has the meaning set forth in IC 36-1-2-9.

(b) For purposes of IC 16-20-1-21.5, "legislative body" has the meaning set forth in IC 16-20-1-21.5(c).

(c) For purposes of IC 16-20-5.5, "legislative body" has the meaning set forth in IC 16-20-5.5-1."

Page 2, delete lines 2 through 5, begin a new line block indented and insert:

"(1) a declared local public health emergency determined by a local health department or local health officer; or

(2) a disaster emergency declared by the governor under IC 10-14-3-12;".

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 4. IC 16-20-1-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.5. (a) This section applies only if the governor has declared an emergency under IC 10-14-3.

(b) As used in this section, "executive order" refers to an

executive order issued by the governor under IC 10-14-3.

(c) As used in this section, "legislative body" means the following:

(1) Except as provided in subdivision (2), the board of county commissioners for a county operating a county health department under IC 16-20-2 or participating in a multiple county health department under IC 16-20-3.

(2) The county council for a county that is subject to IC 36-2-3.5.

(3) The common council, for a city (as defined in IC 36-1-2-3) that operates a city health department under IC 16-20-4.

(d) As used in this section, "local order" refers to the health laws, ordinances, orders, rules, and regulations of a board of health under this chapter.

(e) If a local order addresses any aspect of a declared emergency addressed by an executive order, the local order may be less stringent than the executive order to the extent permitted by the executive order.

(f) If a local order addresses any aspect of a declared emergency that is not addressed by an executive order or if a local order addresses an aspect of a declared emergency more stringently than an executive order, the local order may not take effect, or remain in effect, unless the local order is approved as follows:

(1) If the local order is issued by the health department of a county, the local order must be approved by the county legislative body.

(2) If the local health order is issued by a health department that serves multiple counties, the local order may take effect, or remain in effect, for a particular county served by the department if the legislative body of that county approves the local order.

(3) If the local order is issued by the health department of a city, the local order must be approved by an ordinance adopted by the city legislative body and approved by the mayor."

Page 2, delete lines 7 through 18.

Page 3, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 7. IC 16-20-1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) A local health officer may be removed only for ~~failure to~~ **one (1) of the following reasons:**

(1) A failure to perform the officer's statutory duties. ~~or~~

(2) A failure to enforce the rules of the state department.

(3) Other good cause.

(b) Except as provided in IC 16-19-3-12, IC 16-19-3-13, and IC 16-19-3-15, a local health officer may be removed only by the board that appointed the health officer.

(c) When removal of a local health officer is sought by the appointing authority, the local health officer is entitled to the following:

(1) At least five (5) days notice.

(2) An open hearing.

(3) Representation by counsel.

SECTION 8. IC 16-20-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) All members of a local board of health shall be appointed for a term of four (4) years. **Each member serves until a successor is appointed and qualified.**

(b) Unless otherwise required by law, after December 31, 1991, the board members serve staggered terms. The appointing authority shall appoint the members of a board in existence on December 31, 1991, and the initial members of a board established after December 31, 1991, as follows:

(1) One (1) member must be appointed for one (1) year.

(2) Two (2) members must be appointed for two (2) years.

(3) Two (2) members must be appointed for three (3) years.

(4) Two (2) members must be appointed for four (4) years.

SECTION 9. IC 16-20-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) Each local board of health shall appoint a health officer to serve for a term of four (4) years. **The health officer serves until a successor is appointed and qualified.** The health officer must be a licensed physician. **After June 30, 2021, the appointment of a local health officer is subject to the approval of the appropriate county executive after a public hearing on the qualifications of the individual nominated by the local health board. If the appropriate county executive fails to approve a nominated individual on two (2) separate occasions, the individual is barred from further consideration for the position.**

(b) The appointment shall be certified by the county executive and sent to the state department. The state department shall maintain a record of the certification.

(c) The health officer is eligible for reappointment.

(d) The health officer is the executive officer of the local health department and shall serve as secretary of the local board of health."

Page 3, delete lines 31 through 34, begin a new line block indented and insert:

**"(1) a declared local public health emergency determined by a local health department or local health officer; or**

**(2) a disaster emergency declared by the governor under IC 10-14-3-12;"**

Page 3, line 38, delete "fourteen (14)" and insert **"seven (7)"**.

Page 3, line 40, delete "enforcement action is stayed" and insert **"legislative body may stay the enforcement action"**.

Page 4, line 1, delete "thirty" and insert **"fifteen (15)"**.

Page 4, line 2, delete "(30)".

Page 4, line 5, delete "body." and insert **"body held not later than fifteen (15) days after the date that the appeal is granted."**

Page 4, between lines 8 and 9, begin a new line block indented and insert:

**"(1) A procedure for consolidating appeals if there are at least two (2) appeals filed:**

**(A) from the same order; or**

**(B) involving a common question of law and fact."**

Page 4, line 9, delete "(1)" and insert **"(2)"**.

Page 4, line 13, delete "(2)" and insert **"(3)"**.

Page 4, line 16, delete "(3)" and insert **"(4)"**.

Page 4, line 17, delete "(4)" and insert **"(5)"**.

Page 4, line 20, delete "(5)" and insert **"(6)"**.

Page 4, line 24, delete "thirty (30)" and insert **"fifteen (15)"**.

Page 4, line 31, delete "appeal and the stay of the enforcement action under" and insert **"appeal."**

Page 4, delete line 32.

Page 4, line 33, delete "appellant" and insert **"appellant, or a representative of the appellant,"**

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 11. IC 16-22-8-30, AS AMENDED BY P.L.184-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. (a) The board shall appoint a director of the division of public health to serve for a term of four (4) years unless sooner removed for cause. The director is eligible for reappointment **and serves until a successor is appointed and qualified.** The director must hold a license to practice medicine in Indiana.

**(b) After June 30, 2021, the appointment of the director of the division of public health is subject to the approval of the city-county council after a public hearing on the qualifications of the individual nominated by the board. If the city-county council fails to approve a nominated**

**individual on two (2) separate occasions, the individual is barred from further consideration for the position."**

Page 5, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 13. IC 16-22-8-31.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.3. (a) **This section applies only if the governor has declared an emergency under IC 10-14-3.**

**(b) As used in this section, "executive order" refers to an executive order issued by the governor under IC 10-14-3.**

**(c) As used in this section, "local order" refers to the health laws, ordinances, orders, rules, and regulations issued under this chapter.**

**(d) If a local order addresses any aspect of a declared emergency addressed by an executive order, the local order may be less stringent than the executive order to the extent permitted by the executive order.**

**(e) If a local order addresses any aspect of a declared emergency that is not addressed by an executive order or if a local order addresses an aspect of a declared emergency more stringently than an executive order, the local order may not take effect, or remain in effect, unless the order is approved by an ordinance adopted by the city-county legislative body and approved by the executive of the consolidated city."**

Page 5, delete lines 32 through 35, begin a new line block indented and insert:

**"(1) a declared local public health emergency determined by a local health department or local health officer; or**

**(2) a disaster emergency declared by the governor under IC 10-14-3-12;"**

Page 5, line 42, delete "fourteen (14)" and insert **"seven (7)"**.

Page 6, line 2, delete "enforcement action is stayed" and insert **"legislative body may stay the enforcement action"**.

Page 6, line 8, delete "that is" and insert **"held"**.

Page 6, line 8, delete "thirty (30)" and insert **"fifteen (15)"**.

Page 6, between lines 12 and 13, begin a new line block indented and insert:

**"(1) A procedure for consolidating appeals if there are at least two (2) appeals filed:**

**(A) from the same order; or**

**(B) involving a common question of law and fact."**

Page 6, line 13, delete "(1)" and insert **"(2)"**.

Page 6, line 17, delete "(2)" and insert **"(3)"**.

Page 6, line 20, delete "(3)" and insert **"(4)"**.

Page 6, line 21, delete "(4)" and insert **"(5)"**.

Page 6, line 24, delete "(5)" and insert **"(6)"**.

Page 6, line 28, delete "thirty (30)" and insert **"fifteen (15)"**.

Page 6, between lines 33 and 34, begin a new line block indented and insert:

**"(3) The considered denial of the appeal is a final disposition of the appeal."**

Page 6, line 34, delete "appellant" and insert **"appellant, or a representative of the appellant,"**

Renumber all SECTIONS consecutively.

(Reference is to SB 5 as reprinted February 3, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

LEONARD, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 133, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.  
Delete pages 2 through 6.  
Page 7, delete lines 1 through 4.  
Page 7, line 7, delete "(b)," and insert "(b) or".  
Page 7, line 8, before "(d)," delete "or".  
Page 7, line 8, strike "(d)".  
Page 7, delete lines 35 through 38.  
Renumber all SECTIONS consecutively.  
(Reference is to SB 133 as printed January 29, 2021.)  
and when so amended that said bill do pass.  
Committee Vote: yeas 9, nays 3.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 143, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Page 2, delete lines 7 through 10, begin a new line block indented and insert:

**"(1) the state board of accounts; or  
(2) an independent auditor with experience auditing expenses related to prescription drugs that is hired by the state board of accounts;"**

Page 7, delete lines 20 through 25.

Renumber all SECTIONS consecutively.

(Reference is to ESB 143 as printed March 30, 2021.)  
and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 158, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 158 as reprinted February 23, 2021.)

Committee Vote: Yeas 12, Nays 0.

ZENT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 177, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, after "The" insert **"superintendent of the"**.

Page 3, line 4, after "request the" insert **"superintendent of the"**.

Page 3, line 33, after "investigation, the" insert **"superintendent of the"**.

Page 3, line 38, after "investigation, the" insert **"superintendent of the"**.

Page 4, line 5, after "review, the" insert **"superintendent of the"**.

Page 4, line 12, after "by the" insert **"superintendent of the"**.

Page 4, line 26, after "The" insert **"superintendent of the"**.

(Reference is to SB 177 as printed January 29, 2021.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 6 through 17.

Page 2, delete lines 1 through 14.

Page 2, line 15, delete "2." and insert "1."

Page 2, between lines 19 and 20, begin a new paragraph and insert:

**"Sec. 3. "Discretionary funding" refers to money disbursed by a state agency, after the state agency makes certain considerations, to a political subdivision for a respective grant program that is not based on a preset standard or formula."**

Page 2, line 20, delete "3." and insert "4."

Page 2, line 24, delete "4." and insert "5."

Page 2, line 26, delete "5." and insert "6."

Page 2, delete lines 27 through 42, begin a new paragraph and insert:

**"Chapter 2. Enforcement**

**Sec. 1. (a) The department shall prioritize within the department the investigation and prosecution of the following:**

**(1) Any person that destroys, damages, vandalizes, or desecrates:**

**(A) a private or government monument, memorial, statue, or other commemorative property; or**

**(B) the state capitol or Indiana government center campus.**

**(2) Any person that participates in efforts to incite violence, rioting, or other illegal activity in connection with acts described in subdivision (1).**

**(3) Any person that damages, defaces, or destroys religious property.**

**(b) The department shall take all appropriate enforcement actions against persons found to have violated Indiana law through the investigations described in subsection (a).**

**(c) Discretionary funding for:**

**(1) political subdivisions; or**

**(2) public spaces of political subdivisions;**

**may be withheld from political subdivisions that fail to protect public monuments, memorials, and statues from destruction or vandalism.**

**Sec. 2. Notwithstanding any other Indiana statute but subject to applicable federal law, the department shall, as appropriate, work with political subdivisions to ensure that the state government appropriately provides information and assistance to those political subdivisions in connection with their investigations or prosecution of activities described in section 1 of this chapter, regardless of whether the property is located on property owned by the state.**

**Sec. 3. Notwithstanding any other Indiana statute but subject to applicable federal law, upon request, the department shall provide, as appropriate, personnel to assist with the protection of monuments, memorials, statues, or property owned by the state or a political subdivision.**

**Sec. 4. In determining whether a political subdivision failed to take all appropriate enforcement actions against a person found to have violated Indiana law through the investigations described in this chapter, the department, as**

part of the department's investigation, shall consider whether the political subdivision had:

- (1) good reason to believe that an act described in section 1 of this chapter was imminent and likely to occur;
- (2) sufficient notice to prevent the act described in subdivision (1) from occurring;
- (3) a reasonable ability to prevent the act described in subdivision (1) from occurring by using the political subdivision's local law enforcement agency; and
- (4) as applicable, reasonably prioritized each threat described in subdivision (1) as it occurred.

#### Chapter 3. Discretionary Funding

Sec. 1. Discretionary funding for a political subdivision shall not be withheld from a political subdivision that reasonably decided not to take appropriate enforcement actions due to:

- (1) a lack of manpower; or
- (2) the decision to maintain the safety of a public safety officer (as defined in IC 35-31.5-2-260).

Sec. 2. A state agency may, to the extent that it is appropriate and consistent with applicable Indiana and federal law, provide discretionary funding to a political subdivision for a respective grant program after considering whether the political subdivision has sufficiently taken all appropriate enforcement actions related to the offenses described in IC 10-10.7-2.

SECTION 2. IC 35-31.5-2-341, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 341. "Unlawful assembly" for purposes of IC 35-45-1, has the meaning set forth in IC 35-45-1-1.

SECTION 3. IC 35-45-1-2, AS AMENDED BY P.L.158-2013, SECTION 521, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. A person who, being a member of an unlawful assembly, recklessly, knowingly, or intentionally engages in tumultuous conduct commits rioting, a Class A misdemeanor. However, the offense is:

- (1) a Level 6 felony if it:
  - (A) is committed while armed with a deadly weapon;
  - (B) results in serious bodily injury; or
  - (C) causes property damage of at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000); and
- (2) a Level 5 felony if it:
  - (A) results in catastrophic injury or death; or
  - (B) causes property damage of at least fifty thousand dollars (\$50,000)."

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to ESB 187 as printed March 9, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 197, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 5-2-1-9, AS AMENDED BY SEA 81-2021, SECTION 1, AND AS AMENDED BY HEA 1006-2021, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The board shall adopt

in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness, including training on the U nonimmigrant visa created through the federal Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) that must be required for each person accepted for training at a law enforcement training school or academy. Cultural diversity awareness study must include an understanding of cultural issues related to race, religion, gender, age, domestic violence, national origin, and physical and mental disabilities.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with autism, mental illness, addictive disorders, intellectual disabilities, and developmental disabilities;

(B) missing endangered adults (as defined in IC 12-7-2-131.3); and

(C) persons with Alzheimer's disease or related senile dementia;

to be provided by persons approved by the secretary of family and social services and the board. The training must include an overview of the crisis intervention teams.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.



(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(11) Minimum standards for ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. This training must include instruction on:

(A) the neurobiology of trauma;

(B) trauma informed interviewing; and

(C) investigative techniques.

~~(H)~~ (12) Minimum standards for de-escalation training.

De-escalation training shall be taught as a part of existing use-of-force training and not as a separate topic.

(b) A law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (m), (t), and (u), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property; or

(3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

(1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or

(2) an:

(A) attorney; or

(B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-19-6-1(k).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection

(d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

(1) law enforcement officers;

(2) police reserve officers (as described in IC 36-8-3-20); and

(3) conservation reserve officers (as described in

IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, de-escalation training, interacting with individuals with autism, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) Subject to subsection (h), the board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers and police reserve officers (as described in IC 36-8-3-20). After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training must include de-escalation training. Inservice training must also include training in interacting with persons with mental illness, addictive disorders, intellectual disabilities, autism, developmental disabilities, and Alzheimer's disease or related senile dementia, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking and high risk missing persons (as defined in IC 5-2-17-1). The board may approve courses offered by other public or private training entities, including postsecondary educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either an emergency situation or the unavailability of courses.

(h) This subsection applies only to a mandatory inservice training program under subsection (g). Notwithstanding subsection (g), the board may, without adopting rules under IC 4-22-2, modify the course work of a training subject matter, modify the number of hours of training required within a particular subject matter, or add a new subject matter, if the board satisfies the following requirements:

(1) The board must conduct at least two (2) public meetings on the proposed modification or addition.

(2) After approving the modification or addition at a public meeting, the board must post notice of the modification or addition on the Indiana law enforcement academy's Internet web site at least thirty (30) days before the modification or addition takes effect.

If the board does not satisfy the requirements of this subsection, the modification or addition is void. This subsection does not authorize the board to eliminate any inservice training subject matter required under subsection (g).

(i) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

(1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.

(2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.

(3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system

(IC 36-5-7) and having not more than one (1) marshal and two (2) deputies.

(4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.

(5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(6) The program must require training in interacting with individuals with autism.

(j) The board shall adopt rules under IC 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force and de-escalation training.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(k) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(l) A police chief who fails to comply with subsection (k) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (k), "police chief" refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(m) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(n) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for:
  - (A) at least two (2) years; and
  - (B) less than six (6) years before the officer is hired under subdivision (1); and
- (3) completed at any time a basic training course certified or recognized by the board before the officer is hired under subdivision (1).

(p) An officer to whom subsection (o) applies must successfully complete the refresher course described in subsection (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;

(2) search; and

(3) seizure.

(q) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

(1) is appointed by an Indiana law enforcement department or agency as a reserve police officer; and

(2) has not worked as a reserve police officer for at least two (2) years after:

- (A) completing the pre-basic course; or
- (B) leaving the individual's last appointment as a reserve police officer.

An officer to whom this subsection applies must successfully complete the refresher course established by the board in order to work as a reserve police officer.

(r) This subsection applies to an individual who, at the time the individual completes a board certified or recognized basic training course, has not been appointed as a law enforcement officer by an Indiana law enforcement department or agency. If the individual is not employed as a law enforcement officer for at least two (2) years after completing the basic training course, the individual must successfully retake and complete the basic training course as set forth in subsection (d).

(s) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an individual who:

- (1) is appointed as a board certified instructor of law enforcement training; and
- (2) has not provided law enforcement training instruction for more than one (1) year after the date the individual's instructor certification expired.

An individual to whom this subsection applies must successfully complete the refresher course established by the board in order to renew the individual's instructor certification.

(t) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(u) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

(v) As used in this section, "upper level policymaking position" refers to the following:

- (1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.
- (2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:
  - (A) the position held by the police chief or town marshal; and
  - (B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.
- (3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:
  - (A) the position held by the police chief or town

marshal; and

(B) each position held by the members of the police department or town marshal system in the next two (2) ranks and pay grades immediately below the police chief or town marshal.

(w) This subsection applies only to a correctional police officer employed by the department of correction. A correctional police officer may exercise the police powers described in subsection (d) if:

- (1) the officer successfully completes the pre-basic course described in subsection (f); and
- (2) the officer successfully completes any other training courses established by the department of correction in conjunction with the board.

(x) This subsection applies only to the sexual assault training described in subsection (a)(11). The board shall:

- (1) consult with experts on the neurobiology of trauma, trauma informed interviewing, and investigative techniques in developing the sexual assault training; and
- (2) develop the sexual assault training and begin offering the training not later than July 1, 2022.

(y) After July 1, 2023, a law enforcement officer who regularly investigates sexual assaults involving adult victims must complete the training requirements described in subsection (a)(11) within one (1) year of being assigned to regularly investigate sexual assaults involving adult victims.

(z) A law enforcement officer who regularly investigates sexual assaults involving adult victims may complete the training

requirements described in subsection (a)(11) by attending a:

- (1) statewide or national training; or
- (2) department hosted local training.

**(aa) Notwithstanding any other provisions of this section, the board is authorized to establish certain required standards of training and procedure."**

Page 5, between lines 4 and 5, begin a new paragraph and insert:

**"(l) A physician or a person trained in obtaining bodily samples who is acting under the direction of or under a protocol prepared by a physician shall obtain a blood sample if the following conditions are satisfied:**

- (1) A law enforcement officer requests that the sample be obtained.**
- (2) The law enforcement officer has certified in writing the following:**

**(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5-4, IC 9-30-5-5, IC 35-46-9-6(b)(2), or IC 35-46-9-6(c).**

**(B) That the offense resulting in a criminal investigation described in subsection (a) occurred not more than three (3) hours before the time the sample is requested.**

**(C) That exigent circumstances exist that create pressing health, safety, or law enforcement needs that would take priority over a warrant application.**

- (3) Not more than the use of reasonable force is necessary to obtain the sample."**

Page 6, delete lines 14 through 42.

Delete page 7.

Page 8, delete lines 1 through 2.

Page 14, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 15. IC 15-15-13-6.5, AS ADDED BY P.L.190-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6.5. As used in this chapter, "hemp product" means a product derived from, or made by, processing hemp plants or plant parts including derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers. However, the term does not include:

- (1) smokable hemp (as defined by IC 35-48-1-26.6); or
- (2) products that contain a total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** concentration of more than three-tenths of one percent (0.3%) by weight."

Page 16, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 19. IC 20-28-5-8, AS AMENDED BY HEA 1564-2021, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The secretary of education.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the secretary of education when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) Except as provided in section 8.5 of this chapter, the department shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2).
- (2) Criminal confinement (IC 35-42-3-3).
- (3) Rape (IC 35-42-4-1).
- (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (5) Child molesting (IC 35-42-4-3).
- (6) ~~Child exploitation~~ **An offense under IC 35-42-4-4(b) or IC 35-42-4-4(c).**
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (15) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (16) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (18) Dealing in a counterfeit substance (IC 35-48-4-5).
- (19) Dealing in marijuana, hash oil, hashish, or salvia as a felony (IC 35-48-4-10).
- (20) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a

controlled substance (as described in IC 35-48-4-4.6).

(21) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(22) Homicide (IC 35-42-1).

(23) Voluntary manslaughter (IC 35-42-1-3).

(24) Reckless homicide (IC 35-42-1-5).

(25) Battery as any of the following:

(A) A Class A felony (for a crime committed before July 1, 2014) or a Level 2 felony (for a crime committed after June 30, 2014).

(B) A Class B felony (for a crime committed before July 1, 2014) or a Level 3 felony (for a crime committed after June 30, 2014).

(C) A Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014).

(26) Aggravated battery (IC 35-42-2-1.5).

(27) Robbery (IC 35-42-5-1).

(28) Carjacking (IC 35-42-5-2) (before its repeal).

(29) Arson as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-1-1(a)).

(30) Burglary as a Class A felony or Class B felony (for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-43-2-1).

(31) Human trafficking (IC 35-42-3.5).

(32) Dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(33) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(34) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the secretary of education as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

(g) Upon receipt of information from the office of judicial administration in accordance with IC 33-24-6-3 concerning persons convicted of an offense listed in subsection (c), the department shall:

(1) cross check the information received from the office of judicial administration with information concerning licensed teachers (as defined in IC 20-18-2-22(b)) maintained by the department; and

(2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been convicted of an offense described in subsection (c), revoke the licensed teacher's license."

Delete pages 17 through 18.

Page 19, delete lines 1 through 21.

Page 19, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 22. IC 24-4-21-3, AS AMENDED BY P.L.190-2019, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. A person may distribute low THC hemp extract in Indiana only if the distributor has a certificate of analysis prepared by an independent testing laboratory showing:

(1) that the low THC hemp extract is the product of a batch tested by the independent testing laboratory;

(2) that the independent testing laboratory determined that the batch contained not more than three-tenths percent (0.3%) total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** (THC), including precursors and

**isomers**, by weight, based on the testing of a random sample of the batch; and

(3) the cannabidiol percent present of the low THC hemp extract.

SECTION 23. IC 24-4-21-4, AS ADDED BY P.L.153-2018, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Except as provided in subsection (b), low THC hemp extract must be distributed in packaging that contains the following information:

(1) A scannable bar code or QR code linked to a document that contains information with respect to the manufacture of the low THC hemp extract, including the:

(A) batch identification number;

(B) product name;

(C) batch date;

(D) expiration date, which must be not more than two (2) years from the date of manufacture;

(E) batch size;

(F) total quantity produced;

(G) ingredients used, including the:

(i) ingredient name;

(ii) name of the company that manufactured the ingredient;

(iii) company or product identification number or code, if applicable; and

(iv) ingredient lot number; and

(H) download link for a certificate of analysis for the low THC hemp extract.

(2) The batch number.

(3) The Internet address of a web site to obtain batch information.

(4) The expiration date.

(5) The number of milligrams of low THC hemp extract.

(6) The manufacturer.

(7) The fact that the product contains not more than three-tenths percent (0.3%) total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** (THC), including precursors **and isomers**, by weight.

(b) Before July 1, 2018, low THC hemp extract may be distributed in Indiana without having met the requirements described in subsection (a)."

Page 21, delete lines 29 through 37.

Page 27, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 32. IC 35-31.5-2-115.5, AS ADDED BY P.L.238-2015, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 115.5. (a) "Emergency medical services provider", for purposes of IC 35-42-2-1, has the meaning set forth in IC 16-41-10-1. **This term includes a staff member in the emergency department of a hospital.**

(b) "Emergency medical services provider", for purposes of IC 35-44.1-3-1 and IC 35-46-1-4, has the meaning set forth in IC 16-41-10-1."

Page 32, delete lines 23 through 42.

Delete page 33.

Page 34, delete lines 1 through 41.

Page 41, delete lines 24 through 42.

Delete pages 42 through 46.

Page 47, delete lines 1 through 32.

Page 54, delete lines 23 through 35, begin a new paragraph, and insert:

"SECTION 53. IC 35-43-5-3.5, AS AMENDED BY P.L.158-2013, SECTION 471, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Except as provided in subsection (c), a **person who knowingly or intentionally obtains, possesses, transfers, or uses the identifying information of another person, including the identifying information of a person who is deceased:**

(1) without the other person's consent; and

(2) with intent to:

- (A) harm or defraud another person;
- (B) assume another person's identity; or
- (C) profess to be another person;

a person who, with intent to harm or defraud another person, knowingly or intentionally obtains, possesses, transfers, or uses identifying information to profess to be another person, commits identity deception, a Level 6 felony."

Page 57, line 18, delete "data to which the" and insert "data,".

Page 57, line 19, delete "person is not entitled".

Page 57, line 24, delete "property" and insert "property,".

Page 57, delete line 25.

Page 57, line 41, delete "subdivision" and insert "subdivisions".

Page 59, between lines 16 and 17, begin a new line block indented and insert:

"(10) The agreement is unconscionable.

(11) The offense involves human reproductive material (as defined in IC 34-24-5-1)."

Page 59, line 28, delete "pecuniary" and insert "actual".

Page 84, delete lines 14 through 42.

Delete page 85.

Page 86, delete lines 1 through 15.

Page 90, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 95. IC 35-48-1-17.5, AS AMENDED BY P.L.190-2019, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17.5. (a) "Low THC hemp extract" means a substance or compound that:

- (1) is derived from or contains any part of the plant *Cannabis sativa* L. that meets the definition of hemp under IC 15-15-13-6;
- (2) contains not more than three-tenths percent (0.3%) total ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol** (THC), including precursors **and isomers**, by weight; and
- (3) contains no other controlled substances.

(b) The term does not include:

- (1) the harvested reproductive organ, whether immature or mature, of the female hemp plant; or
- (2) smokable hemp."

Page 90, delete lines 4 through 42.

Delete page 91.

Page 92, delete lines 1 through 14.

Renumber all SECTIONS consecutively.

(Reference is to SB 197 as reprinted February 16, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 202, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 3. IC 16-21-2-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.7. (a) As used in this section, "facility" includes the following:

- (1) A hospital licensed under this article.
- (2) A freestanding rehabilitation hospital.
- (3) A private psychiatric hospital licensed under IC 12-25.
- (4) An ambulatory outpatient surgical center licensed under this article.

(b) Subject to subsections (c), (d), and (f), a facility shall allow visitation to a patient who has been admitted as a patient during a disaster emergency declared under IC 10-14-3-12, a public health emergency, or a similar crisis from one (1) or more of the following individuals:

- (1) A patient's family member.
- (2) A patient's legal representative.
- (3) The patient's designee.
- (4) A member of the clergy.
- (5) An essential caregiver.
- (6) Any other individual capable of meeting the patient's needs.

(c) Subject to subsection (d), a person described in subsection (b) shall be permitted to daily visit a person who is admitted as a patient without regard for any visitation restrictions imposed by the facility during a compassionate care situation that involves one (1) or more of the following scenarios:

- (1) An end of life situation, including hospice.
- (2) A patient who is experiencing weight loss or dehydration and is in need of cuing or encouragement for eating or drinking.
- (3) A patient who is experiencing emotional distress, depression, or grief.
- (4) A patient who is diagnosed with Alzheimer's disease, dementia, or a related cognitive disorder.
- (5) The patient is experiencing an acute health situation that requires immediate attention.
- (6) The patient is undergoing surgery with general anesthesia.
- (7) The patient is experiencing a sudden deterioration in the patient's medical condition.
- (8) The patient is unable to provide or does not know pertinent and critical medical information that would aid the health care professional in treating the patient.
- (9) The patient is a minor.

(d) A person who is described in subsection (b) or who visits a patient admitted as a patient for a reason specified in subsection (c) must comply with the following:

- (1) Applicable guidelines concerning disease control or prevention as determined by the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention.
- (2) Any facility requirements to undergo screening or to complete testing before visiting a patient admitted as a patient. If a screening protocol or test result prohibits a person from visiting the patient, another individual capable of successfully completing or passing the applicable screening protocol or test may be selected for visitation by the patient.
- (3) Limitations that an individual granted access under the protocols of this section may not access any area other than the patient's room or area designated or permitted by the facility.

(e) The facility may specify any requirement that the facility will implement for the individual who is granted access to the facility, including the following:

- (1) Screening.
- (2) Personal protective equipment requirements and instructions on the proper use of the equipment.
- (3) Restrictions when entering patient rooms.
- (4) Disclosure of any risks associated with the individual's entry onto the premises, including risks during an epidemic or when a communicable disease is involved.
- (5) Written acknowledgment from the individual entering the premises that the individual:
  - (A) will follow the established protocols;
  - (B) holds the facility, its employees, and health care providers harmless for being allowed to enter the facility; and

(C) received and acknowledges the disclosure of the risks described in subdivision (4).

(f) Nothing in this section may be construed to prevent a facility from limiting the number of designated individuals that a person admitted as a patient may see if the limitations are explicitly required under a disaster emergency or public health emergency declaration.

(g) A facility, its employees, and contractors that in good faith implement protocols in compliance with this section are not civilly liable for an individual being allowed to enter the facility under the protocols unless the action constitutes gross negligence or willful or wanton misconduct."

Page 6, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 6. IC 34-30-2-66.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 66.1. IC 16-21-2-15.7 (Concerning facility protocols on admittance of visitors into the facility).**"

Renumber all SECTIONS consecutively.

(Reference is to SB 202 as printed February 5, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BARRETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 239, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 7 through 16, begin a new paragraph and insert:

"(b) A child and family services provider has the discretion to provide services remotely for up to fourteen (14) days after a request for consultation if providing services remotely is in the best interests of the child and family, unless:

- (1) a decision is reached on the use of remote services at a child and family team meeting less than fourteen (14) days after the request for consultation; or
- (2) the department communicates to the child, family, and service provider a preliminary determination as to the role of remote services pending the child and family team meeting."

(Reference is to SB 239 Digest Correction as reprinted February 5, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DEVON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 263, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "section" and insert "sections".

Page 1, line 8, after "12.5" insert "and 12.7".

Page 4, line 5, delete "section" and insert "sections".

Page 4, line 5, after "12.5" insert "and 12.7".

Page 5, line 36, delete "The" and insert "Subject to section 12.7 of this chapter, the".

Page 6, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 4. IC 10-14-3-12.7 IS ADDED TO THE

INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 12.7. (a) As used in this section, "disaster emergency" has the meaning set forth in section 12.5 of this chapter.**

(b) The state, a political subdivision, or an officer or employee of the state or a political subdivision may not restrict the right of the people to worship or to worship in person during a disaster emergency."

Page 7, line 16, delete "section" and insert "sections".

Page 7, line 16, after "12.5" insert "and 12.7".

Page 8, line 13, delete "to section" and insert "to sections".

Page 8, line 14, after "12.5" insert "and 12.7".

Page 8, line 20, delete "IC 10-14-3-12.5." and insert "IC 10-14-3-12.5 through IC 10-14-3-12.7."

Page 8, line 26, delete "IC 10-14-3-12.5." and insert "IC 10-14-3-12.5 through IC 10-14-3-12.7."

Renumber all SECTIONS consecutively.

(Reference is to SB 263 as reprinted February 2, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

LEONARD, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 25, delete "section" and insert "Section".

Page 9, between lines 19 and 20, begin a new paragraph and insert:

"(k) Upon the effective date that the board adopts rules to implement the federal CCR rule and subject to subsection (i), annual fees for CCR landfills that were previously regulated as restricted waste sites shall be deposited in the CCR program fund established by section 3.2 of this chapter."

(Reference is to ESB 271 as printed March 18, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 8.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 292, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 4, after "COVID-19" insert "that the state department requires to be".

Page 2, after line 13, begin a new paragraph and insert:

"(c) This section expires April 1, 2022."

(Reference is to SB 292 as printed February 12, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BARRETT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Senate Bill 301, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "Child Services Oversight Committee"

and insert **"Interim Study Committee on Child Services"**.

Page 1, line 5, delete "child".

Page 1, line 6, delete "services oversight committee" and insert **"interim study committee on child services"**.

Page 1, line 10, delete "child services oversight committee" and insert **"interim study committee on child services"**.

Page 1, line 11, after "Sec. 4." insert **"(a)"**.

Page 1, delete lines 12 through 17, begin a new line block indented and insert:

**"(1) Review the reports submitted by each local child fatality review team under IC 16-49-3-7 and by the statewide child fatality review committee under IC 16-49-4-11."**

Page 2, between lines 9 and 10, begin a new paragraph and insert:

**"(b) The committee may receive and review, at the discretion of the chairperson, a complaint or concern regarding the department submitted in writing by a member of the committee."**

**(c) The committee may, for purposes of the committee's duties under subsection (a)(1) and subsection (b), access records of the department upon request made by the committee to the department. If the department receives a request for records from the committee under this subsection, the department:**

**(1) shall, subsection to subdivision (2), provide the requested records to the committee; and**

**(2) may redact any personally identifying information from a record provided to the committee under subdivision (1).**

**Records provided by the department to the committee under this subsection are confidential and are exempt from disclosure under IC 5-14-3-4."**

Page 3, delete lines 28 through 29.

Page 3, line 30, delete "(2)" and insert **"(1)"**.

Page 3, line 32, delete "(3)" and insert **"(2)"**.

Page 4, delete lines 36 through 39, begin a new paragraph and insert:

**"SECTION 2. IC 16-49-2-2, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The child fatality committee shall meet for the first meeting of the child fatality committee at the call of:**

**(1) the prosecuting attorney of the county, or the prosecuting attorney's representative;**

**(2) the county coroner or deputy coroner, if the first meeting of the child fatality committee is not called by the member described in subdivision (1);**

**(3) the member of the child fatality committee representing a department or corporation under section 1(3) of this chapter, if the first meeting of the child fatality committee is not called by a member described in subdivision (1) or (2); or**

**(4) the member of the child fatality committee representing the department of child services under section 1(4) of this chapter, if the first meeting of the child fatality committee is not called by a member described in subdivisions (1) through (3).**

**(b) The child fatality committee members shall select a chairperson at the first meeting.**

**(c) The child fatality committee shall meet at the call of the chairperson for all meetings after the first meeting.**

**SECTION 3. IC 16-49-3-3, AS AMENDED BY P.L.29-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A local child fatality review team:**

**(1) shall review the death of a child whose death incident occurred in the area served by the local child fatality review team and may review the death of a child whose death occurred in the area served by the local child fatality**

**review team if:**

**(A) the death of the child is:**

**(i) sudden;**

**(ii) unexpected;**

**(iii) unexplained; or**

**(iv) assessed by the department of child services for alleged abuse or neglect that resulted in the death of the child; or**

**(B) the coroner in the area where the death occurred determines that the cause of the death of the child is:**

**(i) undetermined; or**

**(ii) the result of a homicide, suicide, or accident; and or**

**(C) the child was the subject of an investigation, assessment, or intervention by the department of child services at any time during the child's life; and**

**(2) may, at its discretion, review the near fatality of a child whose incident or injury occurred in the area served by the local child fatality review team.**

**(b) In conducting a child fatality review under subsection (a), the local child fatality review team may review all applicable records and information related to the death or near fatality of the child, including the following:**

**(1) Records held by the:**

**(A) local or state health department; and**

**(B) department of child services.**

**(2) Medical records.**

**(3) Law enforcement records.**

**(4) Autopsy reports.**

**(5) Records of the coroner.**

**(6) Mental health reports.**

**(c) Except as otherwise provided under this article, information and records acquired by the local child fatality review team in the exercise of its duties under this chapter are confidential and exempt from disclosure.**

**(d) Records, information, documents, and reports acquired or produced by a local child fatality review team are not:**

**(1) subject to subpoena or discovery; or**

**(2) admissible as evidence;**

**in any judicial or administrative proceeding. Information that is otherwise discoverable or admissible from original sources is not immune from discovery or use in any proceeding merely because the information was presented during proceedings before a local child fatality review team.**

**SECTION 4. IC 16-49-3-6, AS ADDED BY P.L.119-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. In reviewing the death of a child under this chapter, the local child fatality review team shall:**

**(1) identify the factors that surrounded or contributed to the death of the child, including by reviewing any investigation, assessment, or intervention performed by the department of child services with regard to the child at any time during the child's life;**

**(2) determine whether similar deaths could be prevented in the future;**

**(3) if applicable, identify:**

**(A) agencies and entities that should be involved; and**

**(B) any other resources that should be used;**

**to adequately prevent future deaths of children; and**

**(4) if applicable, identify solutions to improve practice and policy and enhance coordination.**

**SECTION 5. IC 16-49-3-7, AS AMENDED BY P.L.29-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Before July 1 each year, a local child fatality review team shall prepare and submit to the state child fatality review coordinator a report that must include the following information:**

**(1) A summary of the data collected regarding the reviews conducted by the local child fatality review team in the**



previous calendar year.

(2) Actions recommended by the local child fatality review team to prevent injuries to children and child deaths in the area served by the local child fatality review team.

(3) Solutions proposed for system inadequacies.

**(b) Not later than July 31 of each year, the state child fatality review coordinator shall provide to the executive director of the legislative services agency, for distribution to the interim study committee on child services, a copy of the report submitted for that year by a local child fatality review team under subsection (a). Reports provided under this subsection must be in an electronic format under IC 5-14-6.**

**(b) (c)** A report released under this section may not contain identifying information relating to the fatalities reviewed by the local child fatality review team.

**(c) (d)** Except as otherwise provided in this article, review data concerning a child fatality is confidential and may not be released.

**(d) (e)** A local child fatality review team may prepare and release a joint report for the report required by subsection (a) with another child fatality review team if the local child fatality review team reviewed fewer than two (2) child fatalities in the previous calendar year.

SECTION 6. IC 31-25-2-24, AS AMENDED BY P.L.98-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) **Subject to subsection (c), before December 31 of each year, the department shall annually prepare a report concerning all child fatalities in Indiana that are the result of child abuse or neglect in the preceding calendar year. The report must include the following information:**

(1) A summary of the information gathered concerning child fatalities resulting from abuse or neglect.

(2) Demographic information regarding victims, perpetrators, and households involved in child fatalities resulting from abuse or neglect.

(3) An analysis of the primary risk factors involved in child fatalities resulting from abuse or neglect.

(4) A summary of the most frequent causes of child fatalities resulting from abuse or neglect.

**(5) The number of children who:**

**(A) died during the preceding calendar year as the result of child abuse or neglect; and**

**(B) were the subject of an investigation, assessment, or intervention by the department at any time during the child's life.**

**(6) The number of children who died while a ward of the department.**

**(7) A description of the manner in which the information was assembled.**

The department shall post the report prepared under this section on the department's Internet web site.

(b) As part of the summary of information described in subsection (a)(1), the report must include whether the death occurred in either of the following settings:

(1) While the child was placed in foster care.

(2) After the child, who was once placed in foster care, was returned to a natural parent.

**(c) If information needed by the department to finalize the report required under subsection (a) before December 31 is unavailable, the department may:**

**(1) not later than December 31, post a preliminary report under subsection (a) that includes information that is available to the department; and**

**(2) timely post a final report under subsection (a) after the unavailable information becomes available to the department."**

Page 5, line 24, delete "child services oversight committee" and insert "interim study committee on child services".

Page 5, line 30, delete "This section applies to".

Page 5, delete lines 31 through 38.

Page 5, line 39, delete "(b)".

Page 5, run in lines 30 through 39.

Page 6, line 14, delete "(c)" and insert "(b)".

Page 6, line 15, delete "child services".

Page 6, line 16, delete "oversight committee." and insert "interim study committee on child services under IC 2-5-46."

Page 6, line 19, delete "the child" and insert "review by the interim study committee on child services".

Page 6, line 20, delete "services oversight committee's review".

Page 6, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 16-49-2-2(a), before its amendment by this act, a child fatality committee established under IC 16-49-2-1 that has not met for the first meeting of the child fatality committee under IC 16-49-2-2(a), before its amendment by this act, shall meet for the first meeting of the child fatality committee not later than December 31, 2021.**

**(b) This SECTION expires July 1, 2022."**

Renumber all SECTIONS consecutively.

(Reference is to SB 301 as reprinted February 23, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

DEVON, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 358, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-26-7.1-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2.3. As used in this chapter, "state educational institution" has the meaning set forth in IC 21-7-13-32.**

SECTION 2. IC 20-26-7.1-3, AS AMENDED BY P.L.92-2020, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021 (RETROACTIVE)]: Sec. 3. (a) **This subsection applies to any school building that is owned by a school corporation or any other entity that is related in any way to, or created by, the school corporation or the governing body, including but not limited to a building corporation, and that has at any time been used for classroom instruction. Except as provided in subsection (b)(1), before a governing body may sell, or exchange, lease, demolish, hold without operating, or dispose of a school building, described in this section in accordance with IC 20-25-4-14, IC 20-26-5-4(a)(7), or IC 20-26-7-1, and except as provided in this chapter, a governing body shall do the following:**

**(1) This subdivision applies after June 30, 2021. The governing body shall obtain a certification from the attorney general's office under section 8.5 of this chapter.**

**(2) The governing body shall make available for lease or purchase to any by a charter school or, after June 30, 2021, a state educational institution any school building owned by the school corporation or any other entity that is related in any way to, or created by, the school corporation or the governing body, including but not limited to a building corporation, that:**



(1) (A) is vacant or unused; and

(2) (B) was previously used for classroom instruction; in order for the charter school to conduct kindergarten through grade 12 classroom instruction **or to be used by a state educational institution for an academic purpose.**

(b) The following are not required to comply with the requirements provided in section 4 of this chapter:

(1) A governing body that vacates a school building in order to:

(A) renovate the school building for future use by the school corporation; or

(B) demolish the school building and build a new school building on the same site as the demolished building.

(2) An emergency manager of a distressed school corporation under IC 6-1.1-20.3.

(3) The governing body of the School City of East Chicago school corporation for the Carrie Gosch Elementary School building.

(c) Notwithstanding subsection (a), a lease entered into by a governing body under IC 20-26-5-4(a)(7) prior to ~~July 1, 2019~~, **January 1, 2019**, with a state accredited nonpublic school shall remain in full force and effect. In addition, the governing body may, during or at the expiration of the term of such lease, sell the school building leased under IC 20-26-5-4(a)(7) to the nonpublic school at a purchase price mutually agreed to by the governing body and the nonpublic school.

SECTION 3. IC 20-26-7.1-4, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Not later than ten (10) days after passing a resolution or taking other official action to close, no longer use, or no longer occupy a school building that was previously used for classroom instruction **under section 3 of this chapter**, the governing body shall:

(1) notify the department of the official action and the effective date that the school building will be closed, no longer used, or no longer occupied;

(2) make the school building available for inspection by a charter school **or state educational institution** that notifies the department that it is interested in leasing or purchasing the school building described under section 3 of this chapter; and

(3) make the following information available to a charter school **or state educational institution** described in subdivision (2):

(A) Estimates of the operating expenses for the school building for the past three (3) years.

(B) Written information regarding the condition of the building, including the age of the roof and the HVAC system, and any known conditions which, in the governing body's opinion, require prompt repair or replacement.

(C) A legal description of the property. ~~as shown on the current tax statement.~~

(b) Within five (5) days of receiving notice under subsection (a)(1), the department shall provide written notification to each **state educational institution**, charter school authorizer (excluding school corporation authorizers as defined in IC 20-24-1-2.5(1)), and statewide organizations representing charter schools in Indiana of the school corporation's resolution or official action described in subsection (a), including the date when the school building will close, no longer be used, or become vacant.

(c) The school corporation shall lease the school building to a charter school **or state educational institution** for one dollar (\$1) per year for as long as the **state educational institution uses the building for an academic purpose or the charter school uses the school building for classroom instruction**, for a

term at the **state educational institution's or** charter school's discretion, or sell the school building for one dollar (\$1), if the charter school **or state educational institution** does the following:

(1) Within thirty (30) days of receiving the department's notice under subsection (b), a charter school **or state educational institution** must submit a preliminary request to purchase or lease the school building.

(2) Subject to subsection (d), within ninety (90) days of receiving the department's notice under subsection (b), a charter school **or state educational institution** must submit to the school corporation the following information:

(A) The name of the charter school **or state educational institution** that is interested in leasing or purchasing the vacant or unused school building.

(B) A time frame, which may not exceed two (2) years from the date that the school building is to be closed, no longer used, or no longer occupied, in which the:

(i) charter school intends to begin providing classroom instruction in the vacant or unused school building; or

(ii) **state educational institution intends to begin using the building for an academic purpose.**

(C) A resolution, adopted by the board of the charter school **or state educational institution** stating that the board **of the charter school or the state educational institution** has determined that, after the charter school **or state educational institution** has made any necessary repairs or modifications, the school building will be sufficient to meet the charter school's **or state educational institution's** needs and can be operated within the charter school's **or state educational institution's** budget.

(D) This clause applies to a vacant or unused school building with more than two hundred thousand (200,000) gross square feet. In addition to the information provided in clauses (A) through (C), a charter school shall submit the following:

(i) The charter school's projected enrollment when all of the grade levels are added.

(ii) A letter from the charter school's authorizer or prospective authorizer that indicates that the charter school's authorizer or prospective authorizer has reviewed the items described in clauses (B) through (C) and that the projected enrollment of the charter school when all of the grade levels are added or fully implemented will be at least sixty percent (60%) of the maximum annual student enrollment of the school building during the past twenty-five (25) years as validated by records maintained or created by the department.

(d) If the department does not receive any preliminary requests to purchase or lease a school building within the time frame described in subsection (c)(1) and except as provided in section 7 of this chapter, the department shall send notification to the school corporation that the department has not received any preliminary requests to purchase or lease the school building. Upon receipt of the notification under this subsection, the school corporation may sell or otherwise dispose of the school building in accordance with IC 36-1-11, IC 20-25-4-14, ~~IC 20-26-5-4(7)~~, **IC 20-26-5-4(a)(7)**, and section 8 of this chapter.

(e) **Except as provided in subsection (g)**, in the event that two (2) or more charter schools **but no state educational institutions**, submit a preliminary request to purchase or lease a school building within the time frame described in subsection (c)(1), the department shall send notification to an authorizer described in IC 20-24-1-2.5(3) and each statewide charter school authorizer and statewide organization representing

charter schools in Indiana (excluding school corporation authorizers as defined in IC 20-24-1-2.5(1)) and the school corporation that the department has received two (2) or more preliminary requests under this section. An authorizer committee shall be established, with each statewide authorizer that has authorized one (1) or more charter schools appointing a representative, and the committee shall establish the chairperson and procedures for the committee. Within sixty (60) days of receiving notice under this subsection, the committee shall select which charter school may proceed under subsection (c)(2) to purchase or lease the school building or determine if two (2) or more charter schools should co-locate within the school building. The committee shall give priority to a charter school located within one (1) mile of the vacant or unused school building. In the event that the committee determines that two (2) or more charter schools should co-locate in the school building and, if applicable, that the combined enrollment of the charter schools will meet or exceed the requirements in subsection (c)(2)(D), the charter schools have sixty (60) days to submit a memorandum of understanding stating that the charter schools shall be jointly and severally liable for the obligations related to the sale or lease of the school building, and specifying how the charter schools will utilize the school building and share responsibility for operational, maintenance, and renovation expenses. If the charter schools are unable to agree, the charter schools shall be deemed to have revoked their prior request regarding the lease or sale of the school building.

(f) If two (2) or more state educational institutions but no charter schools submit timely preliminary requests under subsection (c)(1) regarding a school building, the secretary of education shall appoint three (3) representatives of other state educational institutions. The appointed representatives shall act as a committee to determine which of the state educational institutions that have submitted preliminary requests as described in this subsection is best able to meet the needs of the students in the locality in which the school building is located. Not later than sixty (60) days after the date that the secretary of education appoints the committee of representatives under this subsection, the committee of representatives shall:

- (1) select which state educational institution may proceed to purchase or lease the building; or
- (2) determine if two (2) or more state educational institutions should co-locate within the school building.

(g) If one (1) or more charter schools and one (1) or more state educational institutions submit timely preliminary requests under subsection (c)(1) regarding a school building, the charter school shall be provided preference to the school building. If more than one (1) charter school submits timely preliminary requests under subsection (c)(1) regarding a school building, the determination of which charter school may obtain the school building shall be resolved in the manner prescribed in subsection (e).

(f) (h) A school corporation shall lease the school building for one dollar (\$1) per year to the charter school or the state educational institution for as long as the charter school uses the school building for classroom instruction for any combination of kindergarten through grade 12 or a state educational institution uses the building for an academic purpose. The term of the lease shall be established at the charter school's or state educational institution's discretion and include an option for the state educational institution or charter school to purchase the school building for one dollar (\$1), for a term at the charter school's discretion; or Alternatively, the school corporation shall sell the school building to the charter school or the state educational institution for one dollar (\$1), if the charter school or the state educational institution has met the requirements set forth in subsection (c) and uses the vacant or unused school building to provide classroom instruction to students in any combination of

kindergarten through grade 12: in the manner prescribed by this subsection. If a charter school or state educational institution has not met the requirements under subsection (c), the school corporation may, subject to section 7 of this chapter, sell or otherwise dispose of the school building in accordance with IC 36-1-11, IC 20-25-4-14, ~~IC 20-26-5-4(7)~~, IC 20-26-5-4(a)(7), and section 8 of this chapter.

SECTION 4. IC 20-26-7.1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) After a governing body passes a resolution or takes official action to close, no longer use, or no longer occupy a school building that was previously used for classroom instruction under section 3 of this chapter, a school corporation is responsible for meeting the requirements described in subsection (b) until the applicable school building is:

- (1) sold or leased to a charter school or state educational institution;
  - (2) sold to an accredited nonpublic school or postsecondary educational institution other than a state educational institution under section 7 of this chapter; or
  - (3) eligible to be sold or otherwise disposed in accordance with IC 36-1-11, IC 20-25-4-14, IC 20-26-5-4(a)(7), and section 8 of this chapter.
- (b) During the period described in subsection (a), a school corporation is:

- (1) responsible for the maintenance of a vacant or unused school building, including:
  - (A) protection against theft or vandalism;
  - (B) fire protection; and
  - (C) ensuring the vacant or unused school building is not damaged during adverse weather conditions;
- (2) responsible for maintaining the physical condition of the vacant or unused school building in the same physical condition the applicable school building was on the last day that it was used for classroom instruction; and
- (3) financially responsible for any damage or destruction that occurs to the vacant or unused school building.

SECTION 5. IC 20-26-7.1-5, AS ADDED BY P.L.270-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) If a school building is sold to a charter school or state educational institution under section 3 or 4 of this chapter and the charter school or the state educational institution, or any subsequent owner, subsequently sells or transfers the school building to a third party, the charter school or state educational institution, or subsequent owner, must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the school corporation that initially sold the vacant school building to the charter school or the state educational institution. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.

(b) A charter school or state educational institution that purchases a school building assumes total control of the school building and must maintain the school building, including utilities, insurance, maintenance, and repairs. In the event a:

- (1) charter school does not use the school building for classroom instruction; or
- (2) state educational institution does not use the school building for an academic purpose;

within two (2) years after acquiring the school building, the school building shall revert to the school corporation, which may sell or otherwise dispose of the school building under IC 36-1-11.

SECTION 6. IC 20-26-7.1-6, AS ADDED BY P.L.270-2019,

SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. During the term of a lease under section 4 of this chapter, the charter school **or the state educational institution** is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. If the lease involves co-locating charter schools **or a co-location with a state educational institution**, the obligations under the lease of the school building shall be joint and several. The school corporation is responsible for any debt incurred for or liens that attached to the school building before the charter school leased the school building.

SECTION 7. IC 20-26-7.1-7, AS AMENDED BY P.L.92-2020, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) As used in this section, "accredited nonpublic school" means a nonpublic school that:

- (1) has voluntarily become accredited under IC 20-31-4.1; or
- (2) is accredited by a national or regional accrediting agency that is recognized by the state board.

(b) This section applies to a school building with a gross square footage of two hundred thousand (200,000) square feet or less.

(c) If the school corporation receives notification from the department that the department has not received any preliminary requests to purchase or lease a vacant or unused school building under section 4(c)(1) of this chapter or a charter school **or state educational institution** has not met the requirements under section 4(c)(2) or 4(e) of this chapter, the school corporation must sell the school building to an accredited nonpublic school **or a postsecondary educational institution other than a state educational institution** that sends a letter of intent to the school corporation to purchase the vacant or unused school building for an amount not more than the minimum bid for the vacant or unused school building determined in accordance with IC 36-1-11, or an amount agreed to by both parties.

(d) The accredited nonpublic school or postsecondary educational institution, **other than a state educational institution**, must submit its letter of intent to purchase the school building within thirty (30) days of the date the school corporation passes a resolution or takes other official action to close, no longer use, or no longer occupy a school building that was previously used for classroom instruction. However, in the event that a charter school **or state educational institution** has submitted a preliminary request to purchase or lease a school building, the accredited nonpublic school or postsecondary educational institution **other than a state educational institution** may send a letter of intent to purchase or lease the school building within ninety (90) days of the date that the school corporation passed a resolution or took official action to close, no longer use, or no longer occupy a school building.

(e) Within forty-five (45) days of notice of the minimum bid, the accredited nonpublic school or postsecondary educational institution **other than a state educational institution** must provide a binding offer to the school corporation to purchase the property in its current condition and provide a nonrefundable down payment equal to five percent (5%) of the minimum bid or an amount agreed to by both parties. In the event that two (2) or more binding offers are submitted to the school corporation under this subsection, the school corporation may select which offer to accept.

(f) If the sale of the property does not close within one hundred eighty (180) days of the school corporation's receipt of the binding offer, and the delay in closing is not caused by the school corporation or its representatives, the school corporation may refund the down payment and sell or otherwise dispose of the school building under IC 20-25-4-14, IC 20-26-5-4(a)(7), or IC 36-1-11.

SECTION 8. IC 20-26-7.1-8.5 IS ADDED TO THE

INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) This section applies after June 30, 2021.

(b) Except as provided in section 3(b)(1) of this chapter, if a governing body passes a resolution to sell, exchange, lease, demolish, hold without operation, or dispose of a school building, the governing body of the school corporation must receive a certification from the attorney general to ensure that the governing body is in compliance with the requirements of this chapter. The governing body of the school corporation shall submit an application, not later than fifteen (15) days after the governing body passes the resolution described in this subsection, to the attorney general in a manner prescribed by the attorney general. The attorney general shall approve or deny a certification within thirty (30) days of the date the request for certification is received by the attorney general. If the attorney general denies a certification under this section, the attorney general shall provide the specific reason why the request for certification was denied. If a governing body's request for certification is denied under this subsection, the governing body may reapply for certification upon remedying the reason for the attorney general's certification denial.

(c) A contract entered by a school corporation to sell, lease, demolish, or otherwise dispose of a school building without receiving a certification from attorney general under this section is null and void.

(d) The attorney general shall submit all certification findings to the department, which shall post the attorney general's certification findings on the department's Internet web site.

SECTION 9. IC 20-26-7.1-9, AS ADDED BY P.L.270-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The attorney general shall investigate complaints that a school corporation has not complied with the requirements under this chapter if the complaint is filed within one (1) year of the date in which the governing body is alleged to have taken an official action that does not comply with this chapter. The attorney general shall notify the school corporation of the investigation within five (5) business days of receipt of a complaint under this section. The attorney general shall complete the investigation within sixty (60) days of the date of the complaint. The school corporation must provide any information requested by the attorney general necessary to conduct the investigation. Upon completion of the investigation, the attorney general shall issue findings indicating whether the complaint is either substantiated or unsubstantiated.

(b) Subject to subsection (d), in the event that a complaint is substantiated, the attorney general, in consultation with the department and state board, is authorized to take any action necessary to remedy a substantiated complaint, which may include actions to be performed by the state board or the department to ensure compliance of a school corporation under this section.

(c) Upon completion of the investigation under subsection (a), the attorney general shall publish findings of an investigation under subsection (a) on the attorney general's Internet web site. In the event a complaint is substantiated, a copy of the findings shall be sent to the state board and the department.

(d) If a school corporation does not comply with the requirements to sell a vacant school building provided in this chapter as determined by the attorney general under subsection (a), the school corporation shall submit any proceeds from the sale of the vacant school building to the state board, which shall be distributed equally between each charter school located in the attendance area of the school corporation. If no charter schools are located in the attendance area, the state board must use the proceeds to

provide grants under the charter school and innovation grant program under IC 20-24-13. **The attorney general is authorized to initiate any legal action necessary to ensure compliance with this section.**

**SECTION 10. An emergency is declared for this act.**

(Reference is to SB 358 as reprinted February 23, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

BEHNING, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 368, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 2 through 3 with "[EFFECTIVE DECEMBER 31, 2022]".

Page 3, line 41, delete "juveniles and who" and insert "juveniles."

Page 3, delete line 42.

Page 6, line 2, after "services," insert "subject to the requirements described in IC 31-37-5-8,".

Page 8, between lines 38 and 39, begin a new line blocked left and insert:

**"If the court determines that the options described in subdivision (1) or (2) are not in the best interests of the child, the court may, if it appears to the court that a child is mentally ill, refer the matter to the court having probate jurisdiction for civil commitment proceedings under IC 12-26 or initiate a civil commitment proceeding under IC 12-26."**

(Reference is to ESB 368 as printed March 25, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

BROWN T, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 34, delete "A" and insert "**Subject to subsection (i), a**".

Page 3, delete lines 10 through 25, begin a new line blocked left and insert:

**"may participate in a meeting by any electronic means of communication that does the following:**

**(1) Allows all participating members of the governing body to simultaneously communicate with each other.**

**(2) Allows the public to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.**

**Subject to subsection (i), a governing body member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the member can be seen and heard."**

Page 3, line 26, delete "the" and insert "**an**".

Page 3, line 38, after "if" insert "**a**".

Page 3, line 41, delete "which" and insert "**that**".

Page 4, line 3, delete "include any of the following:" and insert "**include:**".

Page 4, line 4, delete "Limit" and insert "**limiting**".

Page 4, line 5, delete "meeting." and insert "**meeting;**".

Page 4, line 6, delete "Limit" and insert "**limiting**".

Page 4, line 8, delete "communication." and insert "**communication; and**".

Page 4, line 9, delete "Require" and insert "**requiring**".

Page 4, delete lines 34 through 36, begin a new paragraph and insert:

**"(h) A member of the governing body may not attend more than fifty percent (50%) of the governing body's meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:"**

Page 4, between lines 41 and 42, begin a new paragraph and insert:

**"(i) A member of a governing body may not participate in a meeting of the governing body by electronic communication if the governing body is attempting to take final action to:**

**(1) adopt a budget;**

**(2) make a reduction in personnel;**

**(3) initiate a referendum;**

**(4) establish or increase a fee;**

**(5) establish or increase a penalty;**

**(6) use the governing body's eminent domain authority; or**

**(7) establish, raise, or renew a tax."**

Page 4, line 42, delete "(i)" and insert "**(j)**".

Page 5, delete lines 12 through 19, begin a new paragraph and insert:

**"(k) A school employer (as defined in IC 20-29-2-15(1)) may allow governing body members and the public to participate in a public hearing under IC 20-29-6-1(b) or IC 20-29-6-19(a) by means of electronic communication.**

SECTION 6. IC 5-14-1.5-3.6, AS AMENDED BY P.L.237-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.6. (a) This section applies only to a governing body of the following:

(1) A charter school (as defined in IC 20-24-1-4).

(2) A public agency of the state, including a body corporate and politic established as an instrumentality of the state.

(3) An airport authority or a department of aviation under IC 8-22.

(b) A member of a governing body who is not physically present at a meeting of the governing body may participate in a meeting of the governing body by electronic communication only if the member uses a means of communication that permits:

(1) the member;

(2) all other members participating in the meeting;

(3) all members of the public physically present at the place where the meeting is conducted; and

(4) if the meeting is conducted under a policy adopted under subsection (g)(7), all members of the public physically present at a public location at which a member participates by means of electronic communication;

to simultaneously communicate with each other during the meeting.

(c) The governing body must fulfill both of the following requirements for a member of the governing body to participate in a meeting by electronic communication:

(1) This subdivision does not apply to committees appointed by a board of trustees of a state educational institution, by the commission for higher education, by the board of the Indiana economic development corporation, or by the board of directors of the Indiana secondary market for education loans, as established, incorporated, and designated under IC 21-16-5-1. **This subdivision does not apply to a governing body if at least fifty-one percent (51%) of the governing body membership consists of individuals with a disability (as described in**

**IC 12-12-8-3.4) or individuals with a significant disability (as described in IC 12-12-8-3.6), or both.** The minimum number of members who must be physically present at the place where the meeting is conducted must be the greater of:

- (A) two (2) of the members; or
- (B) one-third (1/3) of the members.

(2) All votes of the governing body during the electronic meeting must be taken by roll call vote.

Nothing in this section affects the public's right under this chapter to attend a meeting of the governing body at the place where the meeting is conducted and the minimum number of members is physically present as provided for in subdivision (1).

(d) Each member of the governing body is required to physically attend at least one (1) meeting of the governing body annually. **This subsection does not apply to a governing body if at least fifty-one percent (51%) of the governing body membership consists of individuals with a disability (as described in IC 12-12-8-3.4) or individuals with a significant disability (as described in IC 12-12-8-3.6), or both.**

(e) Unless a policy adopted by a governing body under subsection (g) provides otherwise, a member who participates in a meeting by electronic communication:

- (1) is considered to be present at the meeting;
- (2) shall be counted for purposes of establishing a quorum; and
- (3) may vote at the meeting.

(f) A governing body may not conduct meetings using a means of electronic communication until the governing body:

- (1) meets all requirements of this chapter; and
- (2) by a favorable vote of a majority of the members of the governing body, adopts a policy under subsection (g) governing participation in meetings of the governing body by electronic communication.

(g) A policy adopted by a governing body to govern participation in the governing body's meetings by electronic communication may do any of the following:

- (1) Require a member to request authorization to participate in a meeting of the governing body by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.
- (2) Subject to subsection (e), limit the number of members who may participate in any one (1) meeting by electronic communication.
- (3) Limit the total number of meetings that the governing body may conduct in a calendar year by electronic communication.
- (4) Limit the number of meetings in a calendar year in which any one (1) member of the governing body may participate by electronic communication.
- (5) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action. For purposes of this subdivision, a member casts the deciding vote on an official action if, regardless of the order in which the votes are cast:
  - (A) the member votes with the majority; and
  - (B) the official action is adopted or defeated by one (1) vote.
- (6) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.
- (7) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings of the governing body, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic

communication. If the governing body's policy includes this provision, a meeting notice must provide the following information:

- (A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.
- (B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.
- (C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.
- (8) Require at least a quorum of members to be physically present at the location where the meeting is conducted.
- (9) Provide that a member participating by electronic communication may vote on official action only if, subject to subsection (e), a specified number of members:
  - (A) are physically present at the location where the meeting is conducted; and
  - (B) concur in the official action.
- (10) Establish any other procedures, limitations, or conditions that govern participation in meetings of the governing body by electronic communication and are not in conflict with this chapter.

(h) The policy adopted by the governing body must be posted on the Internet web site of the governing body, the charter school, the airport, or the public agency.

(i) Nothing in this section affects a public agency's or charter school's right to exclude the public from an executive session in which a member participates by electronic communication."

Renumber all SECTIONS consecutively.

(Reference is to SB 369 as printed February 9, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

MILLER D, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 409, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 8. IC 32-24-1-0.1 IS ADDED TO THE INDIANA CODE AS **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: **Sec. 0.1. The amendments made to sections 3, 7, 8, and 9 of this chapter by SEA 409-2021 during the 2021 regular session of the general assembly apply to condemnation proceedings in which appraisers are appointed after December 31, 2021.**

SECTION 9. IC 32-24-1-3, AS AMENDED BY P.L.84-2016, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 3. (a) Any person that may exercise the power of eminent domain for any public use under any statute may exercise the power only in the manner provided in this article, except as otherwise provided by law.

(b) Except as provided in subsection (g), before proceeding to condemn, the person:

- (1) may enter upon any land to examine and survey the property sought to be acquired; and
- (2) must make an effort to purchase for the use intended the land, right-of-way, easement, or other interest in the property.

**In the case of a municipality condemning property within the unincorporated area of the county as provided in IC 32-24-2.5, the municipality may not file a complaint**

**under section 4 of this chapter, unless the municipality's petition for condemnation under IC 32-24-2.5-7 is approved.**

(c) The effort to purchase under subsection (b)(2) must include the following:

- (1) Establishing a proposed purchase price for the property.
- (2) Providing the owner of the property with an appraisal or other evidence used to establish the proposed purchase price.
- (3) Conducting good faith negotiations with the owner of the property.

(d) If the land or interest in the land, or property or right is owned by a person who is an incapacitated person (as defined in IC 29-3-1-7.5) or less than eighteen (18) years of age, the person seeking to acquire the property may purchase the property from the guardian of the incapacitated person or person less than eighteen (18) years of age. If the purchase is approved by the court appointing the guardian and the approval is written upon the face of the deed, the conveyance of the property purchased and the deed made and approved by the court are valid and binding upon the incapacitated person or persons less than eighteen (18) years of age.

(e) The deed given, when executed instead of condemnation, conveys only the interest stated in the deed.

(f) If property is taken by proceedings under this article, the entire fee simple title may be taken and acquired.

(g) This subsection applies to a public utility (as defined in IC 32-24-1-5.9(a)) or a pipeline company (as defined in IC 8-1-22.6-7). If a public utility or a pipeline company seeks to acquire land or an interest in land under this article, the public utility or pipeline company may not enter upon the land to examine or survey the property sought to be acquired unless either of the following occur:

- (1) The public utility or the pipeline company sends notice by certified mail to the affected landowner (as defined in IC 8-1-22.6-2) of the public utility's or the pipeline company's intention to enter upon the landowner's property for survey purposes. The notice required by this subdivision must be mailed not later than fourteen (14) days before the date of the public utility's or the pipeline company's proposed examination or survey.
- (2) The public utility or the pipeline company receives the landowner's signed consent to enter the property to perform the proposed examination or survey.

An affected landowner may bring an action to enforce this subsection in the circuit court, superior court, or probate court of the county in which the landowner's property is located. A prevailing landowner is entitled to the landowner's actual damages as a result of the public utility's or the pipeline company's violation. In addition, the court may award a prevailing landowner reasonable costs of the action and attorney's fees.

SECTION 10. IC 32-24-1-7, AS AMENDED BY P.L.113-2006, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 7. (a) The notice, upon its return, must show its:

- (1) service for ten (10) days; or
- (2) proof of publication for three (3) successive weeks in a weekly newspaper of general circulation printed and published in the English language in the county in which the property sought to be acquired is located.

The last publication of the notice must be five (5) days before the day set for the hearing.

(b) The clerk of the court in which the proceedings are pending, upon the first publication of the notice, shall send to the post office address of each nonresident owner whose property will be affected by the proceedings a copy of the notice, if the post office address of the owner or owners can be ascertained by inquiry at the office of the treasurer of the county.

**(c) If an owner (as defined in IC 32-24-2.6-3) intends to**

**claim compensation for loss of a going concern under IC 32-24-2.6, the owner shall notify the court of the owner's intent not later than ninety (90) days after the date of:**

**(1) the first service; or**

**(2) publication;**

**of the notice under subsection (a).**

**(c) (d)** The court, being satisfied of the regularity of the proceedings and the right of the plaintiff to exercise the power of eminent domain for the use sought, shall appoint:

- (1) one (1) disinterested freeholder of the county; and
- (2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana to assess the damages, or the benefits and damages, as the case may be, that the owner or owners severally may sustain, or be entitled to, by reason of the acquisition. One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the property. **If an owner notifies the court that the owner intends to claim compensation for loss of a going concern as provided in IC 32-24-2.6-4, at least one (1) appraiser appointed under subdivision (2) must be qualified and capable of determining the loss of a going concern.**

SECTION 11. IC 32-24-1-8, AS AMENDED BY P.L.80-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 8. (a) A defendant may object to the proceedings **and the court may sustain the objections, if the court makes any of the following determinations:**

**(1) because** The court does not have jurisdiction either of the subject matter or of the person.

**(2) because** The plaintiff does not have the right **or express statutory authority** to exercise the power of eminent domain for the use sought. ~~or~~

**(3) This subdivision applies only to a condemnation by a municipality outside of the municipality's corporate boundaries. The court determines that:**

**(A) the written findings of the county legislative body under IC 32-24-2.5-12 were arbitrary, capricious, or erroneous; or**

**(B) the municipality failed to prove by clear and convincing evidence all of the following:**

**(i) There is a present and urgent necessity for the municipality's exercise of eminent domain.**

**(ii) There is no property within the corporate boundaries of the municipality that is reasonably suitable to be used for the project.**

**(iii) The property is no more than is necessary for completion of the project.**

**(iv) The municipality intends to take the property only for a public purpose and not for any secondary purpose or for private development.**

**(c) (4)** For any other reason disclosed in the complaint or set up in the objections.

(b) Objections under subsection (a) must be:

(1) in writing;

(2) separately stated and numbered; and

(3) filed not later than thirty (30) days after the date the notice required in section 6 of this chapter is served on the defendant. However, the court may extend the period for filing objections by not more than thirty (30) days upon written motion of the defendant.

(c) The court may not allow pleadings in the cause other than the complaint, any objections, and the written exceptions provided for in section 11 of this chapter. However, the court may permit amendments to the pleadings.

(d) If ~~an~~ **a defendant's** objection is sustained, the plaintiff may **do the following:**

**(1) Amend the complaint. ~~or~~**

**(2) ~~may~~ Appeal** from the decision in the manner that appeals are taken from final judgments in civil actions. All

the parties shall take notice and are bound by the judgment in an appeal.

(e) If the objections are overruled, the court shall appoint appraisers as provided for in this chapter. Any defendant may appeal the interlocutory order overruling the objections and appointing appraisers in the manner that appeals are taken from final judgments in civil actions.

(f) All the parties shall take notice of and be bound by the judgment in the appeal.

(g) The transcript must be filed in the office of the clerk of the supreme court not later than thirty (30) days after the notice of the defendant's appeal is filed. The appeal does not stay proceedings in the cause.

(h) This subsection does not apply to a condemnation action brought by a public utility (as defined in section 5.9(a) of this chapter), or by a pipeline company. Notwithstanding section 14 of this chapter, if an objection: (1) is sustained, and no appeal is filed; or (2) is sustained in the judgment in the appeal; the court shall award the defendant the reasonable costs and attorney's fees incurred for the objection, in an amount not to exceed twenty-five thousand dollars (\$25,000).

SECTION 12. IC 32-24-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 9. (a) Each appraiser shall take an oath that:

(1) the appraiser has no interest in the matter; and

(2) the appraiser will honestly and impartially make the assessment.

(b) After the appraisers are sworn as provided in subsection (a), the judge shall instruct the appraisers as to:

(1) their duties as appraisers; and

(2) the measure of the damages and benefits, if any, they allow.

(c) The appraisers shall determine and report all of the following:

(1) The fair market value of each parcel of property sought to be acquired and the value of each separate estate or interest in the property.

(2) The fair market value of all improvements pertaining to the property, if any, on the portion of the property to be acquired.

(3) The damages, if any, to the residue of the property of the owner or owners caused by taking out the part sought to be acquired.

(4) The other damages, if any, that will result to any persons from the construction of the improvements in the manner proposed by the plaintiff.

**(5) The damages, if any, to an owner's loss of a going concern under IC 32-24-2.6, if the owner (as defined in IC 32-24-2.6-3) has notified the court in accordance with section 7(c) of this chapter.**

(d) If the property is sought to be acquired by the state or by a county for a public highway or a municipal corporation for a public use that confers benefits on any property of the owner, the report must also state the benefits that will accrue to each parcel of property, set opposite the description of each parcel of property whether described in the complaint or not.

(e) Except as provided in subsection (f), in estimating the damages specified in subsection (c), the appraisers may not deduct for any benefits that may result from the improvement.

(f) In the case of a condemnation by the state or by a county for a public highway or a municipal corporation for public use, the appraisers shall deduct any benefits assessed from the amount of damage allowed, if any, under subsection (c)(3) and (c)(4) and the difference, if any, plus the damages allowed under subsection (c)(1), ~~and (c)(2), and if applicable, (c)(5)~~ shall be the amount of the award. However, the damages awarded may not be less than the damages allowed under subsection (c)(1), ~~and (c)(2), and if applicable, (c)(5)~~. Upon the trial of exceptions to the award by either party, a like measure of damages must be followed.

**(g) This subsection does not apply to a claim for compensation as a result of loss of driveway access under IC 32-24-2.6-6.** For the purpose of assessing compensation and damages, the right to compensation and damages is considered to have accrued as of the date of the service of the notice provided in section 6 of this chapter, and actual value of compensation and damages at that date shall be:

(1) the measure of compensation for all property to be actually acquired; and

(2) the basis of damages to property not actually acquired but injuriously affected;

except as to the damages stated in subsection (c)(4).

SECTION 13. IC 32-24-2-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: **Sec. 0.1. The amendments made to sections 8, 10, and 16 of this chapter by SEA 409-2021 during the 2021 regular session of the general assembly apply only to condemnation proceedings in which appraisers are appointed after December 31, 2021.**

SECTION 14. IC 32-24-2-8, AS AMENDED BY P.L.80-2020, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 8. (a) **Except as provided in subsection (b),** upon the completion of the list, the works board shall award the damages sustained and assess the benefits accruing to each piece of property on the list.

**(b) This subsection applies only to a condemnation by a municipality under IC 32-24-2.5. Upon completion of the list, the municipality must file a petition for condemnation with the county legislative body. If the petition is approved by the county legislative body, the works board may proceed with awarding the damages sustained, assessing the benefits accruing to each piece of property on the list.**

~~(b)~~ (c) When the assessments or awards are completed, the works board shall have a written notice served upon the owner of each piece of property, showing the amount of the assessment or award, by:

(1) if the owner is a resident of the municipality, leaving a copy of the notice at the owner's last usual place of residence in the municipality or by delivering a copy to the owner personally and mailing a copy of the notice to the owner's address of record; or

(2) if the owner is not a resident of the municipality, by sending the notice to the owner's address of record by certified mail.

~~(c)~~ (d) If the owner's residence is unknown, the municipality shall notify the owner by publication in a daily newspaper of general circulation in the municipality once each week for three (3) successive weeks.

~~(d)~~ (e) The notices must also name a day, at least thirty (30) days after service of notice or after the last publication, on which the works board will receive or hear remonstrances from owners with regard to:

(1) the amount of their respective awards or assessments; and

(2) objections to the municipality's right to exercise the power of eminent domain for the use sought.

~~(e)~~ (f) Persons not included in the list of the assessments or awards and claiming to be entitled to them are considered to have been notified of the pendency of the proceedings by the original notice of the resolution of the works board.

~~(f)~~ (g) The notice required by this section must provide the full text of subsection ~~(d)~~ (e) to provide notice to the property owners of their right to object to the condemnation and be in substantially the same form as the notice required under IC 32-24-1-6(a).

SECTION 15. IC 32-24-2-10, AS AMENDED BY P.L.80-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 10. (a) A person notified or considered to be notified under this chapter may appear before the works board on the day fixed for hearing



remonstrances to:

(1) awards and assessments and the municipality's right to exercise the power of eminent domain for the use sought and remonstrate in writing against them; or

(2) awards and assessments, in the case of a condemnation by a municipality under IC 32-24-2.5.

(b) After the remonstrances have been received, the works board shall either sustain or modify the awards or assessments in the case of remonstrances that have been filed that are based on the amount of the awards or assessments. The works board shall sustain the award or assessment in the case of an award or assessment against which a remonstrance has not been filed.

(c) **This subsection does not apply to a condemnation by a municipality under IC 32-24-2.5.** If a person remonstrates in writing an objection to the municipality's right to exercise the power of eminent domain for the use sought, the works board shall consider the remonstrance and confirm, modify, or rescind its original resolution.

(d) A person remonstrating in writing who is aggrieved by the decision of the works board may, not later than thirty (30) days after the decision is made, take an appeal to a court that has jurisdiction in the county in which the municipality is located. The appeal affects only the assessment or award of the person appealing.

SECTION 16. IC 32-24-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 16. (a) This section applies whenever the works board of a municipality located upon or adjoining a harbor connected with a navigable stream or lake, or upon any navigable channel, slip, waterway, or watercourse, wants to acquire for the use of the municipality any property for a right-of-way for seawalls, docks, or other improvement of the harbor, channel, slip, waterway or watercourse.

(b) The works board shall adopt a resolution that the municipality wants to acquire the property, describing the property that may be injuriously or beneficially affected. All proceedings necessary for the completion of and payment for any such undertaking, including the approval by the county legislative body of a petition for condemnation under IC 34-24-2.5, if applicable, notice, remonstrance, appeal, letting of and performance of contracts, assessment and collection of payment for benefits, and the determination and payment of damages to property, are the same, to the extent applicable, as those proceedings for street improvements of the municipality by its works board or other entity charged by statute with the performance of those duties on behalf of the municipality.

SECTION 17. IC 32-24-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]:

#### **Chapter 2.5. Municipal Condemnation of Land in Unincorporated Area**

Sec. 1. This chapter applies only to condemnation proceedings in which appraisers are appointed after December 31, 2021.

Sec. 2. This chapter applies if a municipality seeks to condemn real property:

- (1) located outside of the municipality's corporate boundaries; and
- (2) under IC 32-24-1-4, IC 32-24-2, or any other statute.

Sec. 3. As used in this chapter, "county legislative body" has the meaning set forth in IC 36-1-2-9.

Sec. 4. As used in this chapter, "municipality" means a city or a town.

Sec. 5. As used in this chapter, "petition" means a petition for condemnation described in section 7 of this chapter.

Sec. 6. A municipality may only acquire property by eminent domain that is within the unincorporated area of a county if the municipality:

(1) is expressly authorized by statute to exercise the power of eminent domain outside of the municipality's corporate boundaries; and

(2) complies with this chapter.

Sec. 7. (a) A municipality must adopt a petition for condemnation:

(1) before filing a complaint in condemnation under IC 32-24-1-4 or any other statute; or

(2) after the municipality takes final action on a resolution under IC 32-24-2-6 and before conducting a public hearing under IC 32-24-2-10.

(b) A petition must:

(1) contain a legal description and map of all parcels lying in the unincorporated area of the county that the municipality requires for the same project; and

(2) state how the municipality meets the requirements set forth in section 11 of this chapter.

Sec. 8. (a) This section applies if the municipality seeks to condemn property within the unincorporated area of two (2) or more counties.

(b) The legislative body of each county in which the unincorporated property is located must approve a petition.

Sec. 9. The municipality shall file the petition with the county legislative body. The county legislative body shall:

(1) conduct at least one (1) public hearing on the petition after providing actual notice to the affected landowners; and

(2) vote to approve or reject the petition;

not later than thirty (30) days after the date the petition is filed.

Sec. 10. The county legislative body shall provide notice of the public hearing by both of the following methods:

(1) Notice by publication in accordance with IC 5-3-1.

(2) Notice:

(A) by certified mail, return receipt requested, or any other means of delivery that includes a return receipt; and

(B) at least fifteen (15) days before the date of the hearing;

to each owner of real property, as shown on the county auditor's current tax list, whose real property the municipality proposes to acquire by condemnation. The municipality shall provide the county legislative body with the names and addresses of owners of real property to whom notice under this subdivision must be sent. If the county legislative body complies with this subdivision, the notice is not invalidated if the owner does not receive the notice.

Sec. 11. The county legislative body may approve the petition only if the municipality demonstrates all of the following:

(1) There is a present and urgent necessity for the municipality's exercise of eminent domain.

(2) There is no property within the corporate boundaries of the municipality that is reasonably suitable to be used for the project.

(3) The property is no more than is necessary for completion of the project.

(4) The municipality intends to take the property only for a public purpose and not for any secondary purpose or for private development.

Sec. 12. The municipality may proceed with condemnation if at least a majority of the members of the county legislative body make all of the findings set forth in section 11 of this chapter:

(1) in writing; and

(2) in the affirmative.

Sec. 13. If at least a majority of the members of the county legislative body do not make all of the findings set forth in section 11 of this chapter in the affirmative, the municipality may not file a complaint under IC 32-24-1-4 or



conduct a public hearing under IC 32-24-2-10. The municipality may petition the circuit or superior court for judicial review of the findings of the county legislative body. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions.

Sec. 14. (a) This section applies if a municipality does not obtain the approval of the county legislative body on a petition for condemnation:

- (1) before filing a complaint in condemnation under IC 32-24-1-4 or any other statute; or
  - (2) after the municipality takes final action on a resolution under IC 32-24-2-6 and before conducting a public hearing under IC 32-24-2-10.
- (b) A municipality shall be liable for:
- (1) all reasonable costs, expenses, and attorney's fees incurred by the property owner; and
  - (2) damages equal to:
    - (A) ten percent (10%) of the assessed value of the property, if the owner shows the owner was unable to use the property during the proceedings;
    - (B) any actual damages; and
    - (C) treble damages.

SECTION 18. IC 32-24-2.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]:

**Chapter 2.6. Compensation for Business Losses**

Sec. 1. This chapter applies only to condemnation proceedings in which:

- (1) any part of the land being condemned is located outside of the condemnor's corporate boundaries; and
- (2) appraisers are appointed after December 31, 2021.

Sec. 2. As used in this chapter, "going concern" means the benefits that accrue to a business or trade as a result of the business's or trade's:

- (1) location;
- (2) geographic features;
- (3) reputation for dependability;
- (4) skill or quality;
- (5) customer base; or
- (6) good will;

or any other circumstances resulting in the probable retention of old or acquisition of new patronage.

Sec. 3. As used in this chapter, "owner" means:

- (1) the persons listed on the tax assessment rolls as being responsible for the payment of real estate taxes imposed on the property;
- (2) the persons in whose name title to real estate is shown in the records of the recorder of the county in which the real estate is located; or
- (3) a lessee who operates a business on the real property.

Sec. 4. If a business or trade is damaged by a taking, condemnation, or eminent domain proceeding, the owner shall be compensated by the condemnor for the loss of the going concern, unless the condemnor establishes by clear and convincing evidence that:

- (1) the loss is not caused by the taking of the property or the injury to the remainder;
- (2) the loss can be reasonably prevented by:
  - (A) relocating the business or trade to:
    - (i) the same or a similar location; and
    - (ii) a reasonably suitable location;
 as the property that was taken; or
  - (B) taking steps and adopting procedures that a reasonably prudent person:
    - (i) of a similar age; and
    - (ii) as the owner, under similar conditions; would take and adopt in preserving the going concern of the business or trade; or
- (3) compensation for the loss of the going concern will be duplicated in the compensation otherwise awarded

to the owner.

Sec. 5. An owner's damages for loss of value to a going concern shall be determined by appraisers as part of the compensation due to the owner. An owner shall provide an appraiser reasonable access to the records necessary to determine the value of the loss of the going concern. The appraiser's decision regarding any award for the loss of the going concern may be challenged by any party.

Sec. 6. (a) If a business owner establishes that:

- (1) the condemnor's actions permanently eliminated fifty-one percent (51%) or more of the driveway access into and out of the owner's business; and
- (2) the owner's business revenue was reduced by fifty-one percent (51%) or more as a result of the loss of driveway access;

the owner is entitled to reasonable compensation, not to exceed the business's average revenues minus the average cost of goods sold, for the three (3) years immediately preceding the project start date. Installation of a median does not constitute elimination of driveway access under this section.

(b) For purposes of subsection (a)(2), the percentage reduction of the owner's business revenue is equal to the result determined in STEP FOUR of the following formula:

**STEP ONE: Determine the result of:**

- (A) the average annual revenue of the business for the thirty-six (36) months immediately preceding the project start date; minus
- (B) the average annual cost of goods sold by the business for the thirty-six (36) months immediately preceding the project start date.

**STEP TWO: Determine the result of:**

- (A) the actual or reasonably estimated annual revenue of the business for the twelve (12) months immediately following the project's completion date; minus
- (B) the annual cost of goods sold by the business for the twelve (12) months immediately following the project's completion date.

**STEP THREE: Determine the result of:**

- (A) the STEP ONE result; minus
- (B) the STEP TWO result.

**STEP FOUR: Divide the STEP THREE result by the STEP ONE result expressed as a percentage.**

(c) A business owner must make a claim for compensation under this section not later than two (2) years after the completion date of the project that resulted in the reduction of the driveway access.

SECTION 19. IC 36-1-4-5, AS AMENDED BY P.L.277-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 5. (a) Except as provided in subsection (b), a unit may acquire by eminent domain or other means, and own interests in real and personal property (b) A municipality may exercise the powers in subsection (a); except for the power of eminent domain; within four (4) miles outside of its corporate boundaries.

(b) A municipality may not exercise the power of eminent domain outside of its corporate boundaries unless a if the municipality:

- (1) is expressly authorized by statute; expressly provides otherwise; and
- (2) complies with IC 32-24-2.5."

Renumber all SECTIONS consecutively.

(Reference is to SB 409 as reprinted February 19, 2021.) and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 4.

MILLER D, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 414, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete amendment 30 adopted March 24, 2021.

Delete the amendment made on motion of Representative Clere adopted March 24, 2021.

Delete the amendment made on motion of Representative Behning adopted March 24, 2021.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-26-10, AS ADDED BY P.L.269-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The MPH shall do the following:

(1) Establish and maintain a program to collect, analyze, and exchange government information in carrying out the powers and duties of the OMB and the powers and duties of the executive state agency sharing the data. In carrying out this program, the MPH may, in accordance with IC 4-1-6, obtain government information from each executive state agency.

(2) In accordance with IC 4-1-6 and IC 5-14-3, establish and maintain a program to make government information available to executive state agencies, political subdivisions, educational institutions, researchers, nongovernmental organizations, and the general public, subject to the following:

(A) A request for data subject to IC 4-1-6-8.6 shall be made in conformance with that section.

(B) A program established and maintained under this chapter must include policies governing access to government information held by the MPH under this chapter. Government information may be made available only in accordance with applicable confidentiality and disclosure laws.

(3) Establish privacy and quality policies for government information that comply with all applicable Indiana and federal laws, rules, and policies.

(4) In accordance with standards developed by the office of technology established by IC 4-13.1-2-1, establish and maintain a program to ensure the security of government information under this chapter.

(5) Conduct operational and procedural audits of executive state agencies.

(6) Perform financial planning and design and implement efficiency projects for executive state agencies.

(7) Advise and assist each executive state agency to identify and implement continuous process improvement in state government.

**(8) Collect income data of or by a student upon the student's graduation from high school that can be linked to the student's kindergarten through grade 12 student identification number necessary for the department to carry out IC 20-19-3-22.3. The MPH may not disclose any personal, identifiable information to the department.**

**(9) Carry out such other responsibilities as may be designated by the director of the OMB or the chief data officer to carry out the responsibilities of the OMB or the chief data officer.**

SECTION 2. IC 12-17.2-2-8, AS AMENDED BY P.L.1-2005, SECTION 136, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. The division shall exempt from licensure the following programs:

(1) A program for children enrolled in grades kindergarten through 12 that is operated by the department of education or a public or private school.

(2) A program for children who become at least three (3)

years of age as of December 1 of a particular school year (as defined in IC 20-18-2-17) that is operated by the department of education or a public or private school.

(3) A nonresidential program for a child that provides child care for less than four (4) hours a day.

(4) A recreation program for children that operates for not more than ninety (90) days in a calendar year.

(5) A program whose primary purpose is to provide social, recreational, or religious activities for school age children, such as scouting, boys club, girls club, sports, or the arts.

(6) A program operated to serve migrant children that:

(A) provides services for children from migrant worker families; and

(B) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.

(7) A child care ministry registered under IC 12-17.2-6.

(8) A child care home if the provider:

(A) does not receive regular compensation;

(B) cares only for children who are related to the provider;

(C) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or

(D) operates to serve migrant children.

(9) A child care program operated by a public or private secondary school that:

(A) provides day care on the school premises for children of a student or an employee of the school;

(B) complies with health, safety, and sanitation standards as determined by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter; and

(C) substantially complies with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter.

(10) A school age child care program (commonly referred to as a latch key program) established under IC 20-26-5-2 that is operated by:

(A) the department of education;

(B) a public or private school; or

(C) a public or private organization under a written contract with:

(i) the department of education; or

(ii) a public or private school.

**(11) An educational program:**

**(A) consisting of a group of students who attend the educational program in lieu of attending a public or private school;**

**(B) whose students meet in a single classroom in person or outside a classroom and which may include mixed age level groupings; and**

**(C) that is under the supervision of a teacher or tutor.**

SECTION 3. IC 20-18-2-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.7. (a) "Appropriate vehicle" means a vehicle that:

**(1) is owned by a school corporation or contracted for by the school corporation; and**

**(2) has a seating capacity of not more than eight (8) passengers, including the driver.**

**(b) The term includes a car, truck, sport utility vehicle, or minivan.**

SECTION 4. IC 20-19-2-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 23. (a) The department shall, in collaboration with the state board, conduct a learning loss study regarding students in kindergarten through grade 10 for the 2020-2021 school year and the 2021-2022 school year. The department shall prepare a report regarding the 2020-2021 school year and a report regarding the 2021-2022 school year that includes the findings of the study for the particular school year.**

**(b) Not later than December 1, 2021, the department shall submit the report regarding the 2020-2021 school year and not later than December 1, 2022, the department shall submit the report regarding the 2021-2022 school year to the:**

- (1) governor;**
- (2) state board; and**
- (3) legislative council in an electronic format under IC 5-14-6.**

**(c) In addition to the study under subsection (a), the department shall report the benchmark assessment data results from all of the providers in the state three (3) times annually to the:**

- (1) governor;**
- (2) state board; and**
- (3) legislative council in an electronic format under IC 5-14-6.**

**(d) The assessment data described in subsection (c) must be available as a report for reading and math proficiency and growth to proficiency of the Indiana college and career ready standards in grades 1 through 8 in the aggregate by school and school corporation and made available for view by disaggregation by subgroups. Data results shall include student progress in the aggregate for each of the following:**

- (1) Typical or expected growth.**
- (2) Growth needed for proficiency.**
- (3) Actual student growth to proficiency on the Indiana college and career ready standards using historical and current data including at a minimum baseline data from the last benchmark assessments administered in school before the pandemic.**

**The first report shall be delivered not later than July 1, 2021. Schools and school corporations shall provide or approve the release of the benchmark data described in this subsection to the department or a third party entity selected by the department to complete the requirements of this section.**

**(e) This section expires January 1, 2023.**

SECTION 5. IC 20-19-3-22.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.3. (a) Beginning with students who graduated during the 2017-2018 school year and not later than January 1, 2022, the department, in collaboration with the management performance hub established by IC 4-3-26-8, shall report on the department's Internet web site the median earned income of graduates of a particular school year, for each school corporation, charter high school, or state accredited nonpublic school.**

**(b) The median earned income for a particular graduating class shall be available on the department's Internet web site for a period of ten (10) years beginning with the school year in which the median earned income for a particular graduating class is initially reported in this section. The median earned income of a particular graduating class for a school corporation, charter school, or state accredited nonpublic school shall be updated annually.**

**(c) The department may not disclose any personal, identifiable information of any individual under this section."**

Page 3, between lines 5 and 6, begin a new paragraph and

insert:

"SECTION 8. IC 20-26-12-24, AS AMENDED BY P.L.233-2015, SECTION 173, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 24. (a) The superintendent, after approval from the governing body, shall establish procedures for adoption of curricular materials.**

**(b) The governing body, upon receiving these after reviewing any recommendations from the superintendent, shall adopt curricular materials for use in teaching each subject in the school corporation.**

**(c) A special committee of teachers and parents may also be appointed to review books, magazines, and audiovisual material used or proposed for use in the classroom to supplement state adopted curricular materials and may make recommendations to the superintendent and the governing body concerning the use of these materials.**

**(d) The governing body may, if the governing body considers it appropriate, retain curricular materials adopted under this section and authorize the purchase of supplemental materials to ensure continued alignment with academic standards adopted by the state board.**

**(e) The superintendent, advisory committee, and governing body may consider using the list of curricular materials provided by the department under IC 20-20-5.5.**

**(f) A governing body may not purchase curricular materials from a publisher unless the publisher agrees, in accordance with Sections 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide or grant a license to the school corporation to allow for the reproduction of adopted curricular materials in:**

- (1) large type;**
- (2) Braille; and**
- (3) audio format.**

SECTION 9. IC 20-27-5-5, AS AMENDED BY P.L.233-2015, SECTION 185, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5. (a) If a school bus driver is required to furnish the school bus body or the school bus chassis, or both, the governing body of the school corporation may enter into a transportation contract with the school bus driver under IC 5-22.**

**(b) The transportation contract may include a provision allowing the school bus driver to be eligible for the life and health insurance benefits and other fringe benefits available to other school personnel.**

**(c) The governing body of a school corporation may not enter into a transportation agreement with a transportation network company (as defined by IC 8-2.1-17-18) or TNC driver (as defined by IC 8-2.1-17-19).**

SECTION 10. IC 20-27-5-6, AS AMENDED BY P.L.233-2015, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 6. (a) The governing body of the school corporation may enter into a fleet contract with the fleet contractor under IC 5-22.**

**(b) The fleet contract may include a provision allowing the school bus drivers to be eligible for the life and health insurance benefits and other fringe benefits available to other school personnel.**

**(c) The governing body of a school corporation may not enter into a fleet agreement with a transportation network company (as defined by IC 8-2.1-17-18) or TNC driver (as defined by IC 8-2.1-17-19).**

SECTION 11. IC 20-27-12-0.1 IS REPEALED [EFFECTIVE JULY 1, 2021]. **Sec. 0-1: (a) As used in this chapter, "appropriate vehicle" means a vehicle that:**

- (1) is owned by the school corporation or contracted for by the school corporation; and**
- (2) has a seating capacity of not more than eight (8) passengers, including the driver.**

**(b) The term includes a car, truck, sport utility vehicle, or minivan.**

SECTION 12. IC 20-27-12.1-1 IS REPEALED [EFFECTIVE JULY 1, 2021]. ~~Sec. 1. As used in this chapter, "appropriate vehicle" has the meaning set forth in IC 20-27-12-0.1.~~

SECTION 13. IC 20-28-9-1.5, AS AMENDED BY P.L.211-2019, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1.5. (a) This subsection governs salary increases for a teacher employed by a school corporation. Compensation attributable to additional degrees or graduate credits earned before the effective date of a local compensation plan created under this chapter before July 1, 2015, shall continue for school years beginning after June 30, 2015. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue for school years beginning after June 30, 2015. For school years beginning after June 30, 2015, a school corporation may provide a supplemental payment to a teacher in excess of the salary specified in the school corporation's compensation plan under any of the following circumstances:

- (1) The teacher:
  - (A) teaches an advanced placement course or a Cambridge International course; or
  - (B) has earned a master's degree from an accredited postsecondary educational institution in a content area directly related to the subject matter of:
    - (i) a dual credit course; or
    - (ii) another course; taught by the teacher.
- (2) Beginning after June 30, 2018, the teacher:
  - (A) is a special education professional; or
  - (B) teaches in the areas of science, technology, engineering, or mathematics.
- (3) Beginning after June 30, 2019, the teacher teaches a career or technical education course.

In addition, a supplemental payment may be made to an elementary school teacher who earns a master's degree in math, reading, or literacy. A supplement provided under this subsection is not subject to collective bargaining, but a discussion of the supplement must be held. Such a supplement is in addition to any increase permitted under subsection (b).

(b) Increases or increments in a local salary range must be based upon a combination of the following factors:

- (1) A combination of the following factors taken together may account for not more than fifty percent (50%) of the calculation used to determine a teacher's increase or increment:
  - (A) The number of years of a teacher's experience.
  - (B) The possession of either:
    - (i) additional content area degrees beyond the requirements for employment; or
    - (ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.
- (2) The results of an evaluation conducted under IC 20-28-11.5.
- (3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.
- (4) The academic needs of students in the school corporation.

(c) To provide greater flexibility and options, a school corporation may differentiate the amount of salary increases or increments determined for teachers. ~~under subsection (b)(4):~~ A school corporation shall base a differentiated amount under this subsection on ~~any academic needs~~ **reasons** the school corporation determines are appropriate, which may include the:

- (1) subject or subjects, including the subjects described in subsection (a)(2), taught by a given teacher;
- (2) importance of retaining a given teacher at the school

corporation; and

(3) need to attract an individual with specific qualifications to fill a teaching vacancy.

(d) A school corporation may provide differentiated increases or increments under subsection (b), and in excess of the percentage specified in subsection (b)(1), in order to:

- (1) reduce the gap between the school corporation's minimum teacher salary and the average of the school corporation's minimum and maximum teacher salaries; or
- (2) allow teachers currently employed by the school corporation to receive a salary adjusted in comparison to starting base salaries of new teachers.

(e) Except as provided in subsection (f), a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(f) Subsection (e) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

(g) A teacher who does not receive a raise or increment under subsection (e) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(h) The Indiana education employment relations board established in IC 20-29-3-1 shall publish a model compensation plan with a model salary range that a school corporation may adopt.

(i) Each school corporation shall submit its local compensation plan to the Indiana education employment relations board. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The Indiana education employment relations board shall publish the local compensation plans on the Indiana education employment relations board's Internet web site.

(j) The Indiana education employment relations board shall review a compensation plan for compliance with this section as part of its review under IC 20-29-6-6.1. The Indiana education employment relations board has jurisdiction to determine compliance of a compensation plan submitted under this section.

(k) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

(l) After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 14. IC 20-32-4-4, AS AMENDED BY P.L.192-2018, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of section 1.5(a) of this chapter may be eligible to graduate if the student does all the following:

- (1) **Except as provided in subsection (b)**, takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.
- (2) Completes remediation opportunities provided to the

student by the student's school.

(3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.

(4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the state board.

(5) Otherwise satisfies all state and local graduation requirements.

(6) Either:

(A) completes:

(i) the course and credit requirements for a general diploma, including the career academic sequence;

(ii) a workforce readiness assessment; and

(iii) at least one (1) industry certification that appears on the state board's approved industry certification list, which must be updated annually with recommendations from the department of workforce development established by IC 22-4.1-2-1; or

(B) obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must be aligned with the governing body's relevant policy and must be concurred in by the principal of the student's school and be supported by documentation that the student has attained the academic standard in the subject area based on:

(i) tests other than the graduation examination; or

(ii) classroom work.

**(b) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of section 1.5(a) of this chapter is not required to take the graduation examination in each subject area in which the student did not achieve a passing score during the 2020-2021 school year if the student could not take the graduation examination due to the coronavirus disease (COVID-19).**

**(b) (c)** This section expires June 30, 2022.

SECTION 15. IC 20-32-5.1-17, AS AMENDED BY P.L.155-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) The state board shall approve two (2) or more benchmark, formative, interim, or similar assessments to identify students that require remediation and provide individualized instruction in which a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may receive a grant under subsection (c). The benchmark, formative, interim, or similar assessments must show alignment, verified by a third party, to Indiana's academic standards. The majority of the assessment reporting must indicate the degree to which students are on track for grade level proficiency and college and career readiness. Approved assessments must also provide predictive study results for student performance on the statewide assessment under section 7 of this chapter, not later than two (2) years after the summative assessment has been first administered.

(b) A school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may elect to administer a benchmark, formative, interim, or similar assessment described in subsection (a). If a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) administers an assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) may prescribe the time and the manner in which the assessment is administered.

(c) If a school corporation, charter school, state accredited

nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) elects to administer a benchmark, formative, interim, or similar assessment described in subsection (a), the school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) is entitled to receive a grant or reimbursement from the department in an amount not to exceed the cost of the assessment. The department shall provide grants and reimbursements to a school corporation, charter school, state accredited nonpublic school, or eligible school (as defined in IC 20-51-1-4.7) under this section from money appropriated to the department for the purpose of carrying out this section.

(d) The state board and the department may not contract with, approve, or endorse the use of a single vendor to provide benchmark, formative, interim, or similar assessments for any grade level or levels of kindergarten through grade 7.

**(e) Before the state board may approve a benchmark, formative, interim, or similar assessment described in subsection (a), the assessment vendor must enter into a data share agreement with the department in the manner prescribed by the department.**

SECTION 16. IC 20-35-8-2, AS AMENDED BY P.L.1-2007, SECTION 152, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) The state board shall adopt rules under IC 4-22-2 to establish limits on the amount of transportation that may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules must limit the transportation required by the student's individualized education program to the following:

(1) The student's first entrance and final departure each school year.

(2) Round trip transportation each school holiday period.

(3) Two (2) additional round trips each school year.

(b) If a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-26-11-1 through IC 20-26-11-4 shall pay the cost of transportation required by the student's individualized education program.

(c) If a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

(B) the division of disability and rehabilitative services; or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind and Visually Impaired; or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

(d) If a student is placed in a private facility under IC 20-35-6-2 in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

**(e) A student's individualized education program may allow for the student's transportation by appropriate vehicle. The state board shall adopt rules under IC 4-22-2 governing transportation of students by appropriate vehicle."**

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 18. IC 20-49-9-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.5. As used in this chapter, "organizer" has the meaning set forth in IC 20-24-1-7.**

SECTION 19. IC 20-49-9-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **(a) The organizer of a charter school is the fiscal agent for the charter school and has exclusive control of the funds received by the charter school and all financial matters pertaining to the charter school. For purposes of this chapter, all references to a school or a charter school, including, but not limited to, the obligation to repay an advance, incorporate the organizer of the charter school.**

**(b) With formal approval from the charter school's governing body, a charter school that has received an advance under this chapter may submit an application to the treasurer of state to renegotiate the terms of an advance. The application process established by the treasurer of state shall include information that permits the treasurer of state to determine whether amending the original terms of the advance will increase the likelihood that the outstanding advance balance, including accrued interest, will be paid in full.**

**(c) In making its determination regarding an application to renegotiate the terms of an advance, the treasurer of state may consider the following factors:**

- (1) Whether the outstanding advance balance is free from obligation to or encumbrance from any other lawful instrument, program, proceeding, or financial instrument.**
- (2) Whether the annual per student cost of the outstanding advance balance exceeds the average annual per student cost of all outstanding advance balances.**
- (3) Whether the annual per student cost of the outstanding advance balance as a percentage of the basic tuition support received for the student exceeds five percent (5%).**
- (4) Whether the annual per student cost of the outstanding advance balance has increased over the last two (2) years.**
- (5) Any other factors determined relevant by the treasurer of state.**

**(d) If, after review of the information required under subsection (b) and consideration of the factors listed in subsection (c), the treasurer of state determines that renegotiating the original terms of the advance will increase the likelihood that the outstanding advance balance, including accrued interest, will be paid in full, the treasurer of state shall approve the school's request.**

**(e) If the treasurer of state approves a charter school's request, the charter school's governing body shall enter into a new agreement with the treasurer of state for repayment of the outstanding advance balance. The new agreement:**

- (1) must:**
  - (A) include a provision providing that the treasurer of state may withhold from funds due to the charter school to which the advance is made until the advance is paid; and**
  - (B) include any other provisions determined necessary by the treasurer of state to facilitate repayment; and**
- (2) may:**
  - (A) set a new term for the advance that does not exceed twenty-five (25) years from the date the original advance was made; and**
  - (B) set a new interest rate for the remaining term of**

**the advance which may be no lower than one percent (1%) and no higher than two percent (2%) per annum.**

**(f) An application to amend the terms of an advance or amendment of the terms of an advance do not constitute a finding regarding the school's financial condition other than with respect to the repayment of an advance made under this chapter.**

SECTION 20. IC 20-51-4-4, AS AMENDED BY P.L.108-2019, SECTION 234, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 4. (a) The amount an eligible choice scholarship student is entitled to receive under this chapter for a school year is equal to the following:**

**(1) The least of the following:**

**(A) The sum of the ~~tuition, transfer tuition, and fees required for enrollment or attendance of the eligible choice scholarship student~~ tuition and fees required for enrollment and attendance and fees required for an eligible choice scholarship student's enrollment in a particular course** at the eligible school selected by the eligible choice scholarship student for a school year that the eligible choice scholarship student (or the parent of the eligible choice scholarship student) would otherwise be obligated to pay to the eligible school.

**(B) An amount equal to:**

**(i) ninety percent (90%) of the state tuition support amount determined under section 5 of this chapter if the eligible choice scholarship student is a member of a household with an annual income of not more than the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program;**

**(ii) seventy percent (70%) of the state tuition support amount determined under section 5 of this chapter if the eligible choice scholarship student is a member of a household with an annual income of, in the case of an individual not described in section 2.5 of this chapter or item (i), not more than one hundred twenty-five percent (125%) of the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program; and**

**(iii) fifty percent (50%) of the state tuition support amount determined under section 5 of this chapter if the eligible choice scholarship student is a member of a household with an annual income of, in the case of an individual not described in section 2.5 of this chapter or item (i) or (ii), not more than one hundred fifty percent (150%) of the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program or, in the case of an individual described in section 2.5 of this chapter, not more than two hundred percent (200%) of the amount required for the eligible choice scholarship student to qualify for the federal free or reduced price lunch program.**

**(2) In addition, if the eligible choice scholarship student has been identified as eligible for special education services under IC 20-35 and the eligible school provides the necessary special education or related services to the eligible choice scholarship student, any amount that a school corporation would receive under IC 20-43-7 for the eligible choice scholarship student if the eligible choice scholarship student attended the school corporation. However, if an eligible choice scholarship student changes schools during the school year after the December 1 count under IC 20-43-7-1 of eligible pupils enrolled in special education programs and the eligible choice scholarship student enrolls in a different eligible school, any choice**

scholarship amounts paid to the eligible choice scholarship student for the remainder of the school year after the eligible choice scholarship student enrolls in the different eligible school shall not include amounts that a school corporation would receive under IC 20-43-7 for the eligible choice scholarship student if the eligible choice scholarship student attended the school corporation.

(b) The amount an eligible choice scholarship student is entitled to receive under this chapter if the eligible student applies for the choice scholarship under section 7(e) of this chapter shall be reduced on a prorated basis in the manner prescribed in section 6 of this chapter.

SECTION 21. IC 25-23-1-7.3, AS ADDED BY P.L.174-2018, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.3. (a) The following definitions apply throughout this section:

(1) "Eligible associate degree registered nursing program" means an associate degree registered nursing program that:

- (A) is accredited by the board; and
- (B) has an annual rate of successful completion of the National Council Licensure Examination (NCLEX) score of at least eighty percent (80%).

(2) "Qualified nurse educator certificate program" means a nurse educator certificate program that:

- (A) is provided by an accredited institution; and
- (B) requires at least fifteen (15) credit hours for completion.

(b) Notwithstanding 848 IAC 1-2-13(b), and subject to the approval of the board, an individual who holds a bachelor of science in nursing without having attained a master's degree in nursing may teach clinical courses in an eligible associate degree registered nursing program if:

(1) subject to subsection (c), the individual:

- (A) is enrolled in a qualified nurse educator certificate program; and
- (B) completes the qualified nurse educator certificate program within two (2) years after the individual's hire date;

(2) the individual has completed a qualified nurse educator certificate program; or

(3) the individual is enrolled in a master's degree nursing program.

(c) An individual described in subsection (b)(1) must:

- (1) show progress toward completion of the qualified nurse educator certificate program throughout the two (2) year period beginning on the individual's hire date; and
- (2) upon completion of the qualified nurse educator certificate program, enroll in a master's degree nursing program.

(d) This section expires June 30, 2021. **2023.**

SECTION 22. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the commission for higher education established by IC 21-18-2-1.

(b) As used in this SECTION, "state educational institution" has the meaning set forth in IC 21-7-13-32.

(c) Not later than November 1, 2021, the commission shall prepare three (3) reports that shall be submitted to the general assembly in an electronic format under IC 5-14-6. The commission shall work with the state educational institutions to determine a report format, including any survey instruments. The reports required to be submitted are the following:

(1) A higher education business model transformation report. The report must include information about how each state educational institution has reduced total costs over the last ten (10) years and an analysis of reducing the total cost for students, which will not simultaneously reduce the quality of education when attending the state educational institution. The cost reduction analysis must include, but is not limited to,

the following cost reduction considerations:

- (A) Administration or administrators.
- (B) Buildings.
- (C) Degree program offerings and related program and course fees.
- (D) Non-academic initiatives and cost centers.
- (E) Technology utilization and maintenance.
- (F) Percentage of faculty that is tenured.
- (G) Inflation.

The goal of the report is to find ways to reduce the average total cost for a student to attend the state educational institution by the 2024-2025 school year, without cost shifting initiatives to foreign or out-of-state students, and while maintaining access to Indiana students who meet existing entrance requirements.

(2) A free speech on college campus report. The report must include a detailed description of each state educational institution's efforts to recognize and protect the freedom of speech and association rights guaranteed to the members of its campus community under the First Amendment of the United States Constitution. The report must include a recommendation on a survey instrument that each state education institution shall administer to students not later than May 1, 2022, to determine current perceptions of whether free speech and academic freedom are recognized and fostered by the state educational institution in a manner that welcomes expression of different opinions and ideologies with respect to, but not limited to, classes, professors and instructors, peer interactions, speakers, and campus groups. The survey must take into account perceptions by a representative sample of students at each campus location.

(3) A protection from foreign malfeasance report. The report shall include a summary description of policies, procedures, and other measures that each state educational institution maintains to protect personal data, research data, intellectual property, and controlled unclassified information or classified information from being appropriated or misused by a foreign government or other foreign entity. The report must include, subject to exceptions from disclosure for confidential information, trade secrets, research information, safety measures, and other applicable exceptions under IC 5-14-3-4:

- (A) a description of the state educational institution's export controls and research assurance program;
- (B) a summary of the state educational institution's measures to comply with insider threat program requirements prescribed by applicable federal agency guidance;
- (C) a description of the state educational institution's compliance with foreign gift reporting requirements under federal law;
- (D) a description of the state educational institution's compliance with federal law prohibitions on contracting with certain foreign entities using certain telecommunications and video surveillance services or equipment; and
- (E) a summary of each state educational institution's business arrangements with foreign entities, excluding business arrangements pertaining to non-technology procurement.

(d) The commission may include in its reports described in subsection (c) recommendations to the general assembly necessary to implement the strategies and tactics described in subsection (c)(1) and improve protections described in reports under subsection (c)(2) and (c)(3).



(e) Each state educational institution shall provide the commission information necessary for the commission to prepare the reports described in subsection (c).

(f) This SECTION expires July 1, 2022.

SECTION 23. [EFFECTIVE UPON PASSAGE] (a) The department of education shall conduct a study to examine what constitutes adequate funding for kindergarten through grade 12 education in Indiana for students who, as a class, meet the eligibility requirements for the complexity index as determined under IC 20-43-13-4.

(b) Not later than December 1, 2021, the department of education shall submit a report of the study to the legislative council. The report to the legislative council must be in an electronic format under IC 5-14-6.

(c) This SECTION expires January 1, 2022.

SECTION 24. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate study committee for the 2022 interim and the 2023 interim the task of studying the information in the reports submitted by the department of education under IC 20-19-2-23, as added by this act.

(b) This SECTION expires January 1, 2023."

Renumber all SECTIONS consecutively.

(Reference is to SB 414 as printed February 19, 2021, and as amended by the House Committee on and Education on March 24, 2021.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

BEHNING, Chair

Report adopted.

## ENGROSSED SENATE BILLS ON THIRD READING

### Engrossed Senate Bill 188

Representative Young called down Engrossed Senate Bill 188 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property and to make an appropriation.

The bill was read a third time by sections and placed upon its passage.

#### HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 188 be returned to the second reading calendar forthwith for the purpose of amendment.

YOUNG

Motion prevailed.

Representative Lauer, who had been excused, is now present.

### Engrossed Senate Bill 232

Representative Judy called down Engrossed Senate Bill 232 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 339: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 275

Representative T. Brown called down Engrossed Senate Bill 275 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 340: yeas 88, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 336

Representative Speedy called down Engrossed Senate Bill 336 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 341: yeas 68, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

### Engrossed Senate Bill 383

Representative T. Brown called down Engrossed Senate Bill 383 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 342: yeas 84, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

## MOTIONS TO CONCUR IN SENATE AMENDMENTS

#### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1040.

PRESSEL

Roll Call 343: yeas 88, nays 0. Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1255.

YOUNG

Roll Call 344: yeas 84, nays 1. Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1373.

VANNATTER

Roll Call 345: yeas 85, nays 0. Motion prevailed.

The Speaker Pro Tempore yielded the gavel to the Speaker.



## MOTIONS TO DISSENT FROM SENATE AMENDMENTS

### HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1340 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

CLERE

Motion prevailed.

## ENGROSSED SENATE BILLS ON SECOND READING

### Engrossed Senate Bill 55

Representative Teshka called down Engrossed Senate Bill 55 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 55-2)

Mr. Speaker: I move that Engrossed Senate Bill 55 be amended to read as follows:

Page 5, after line 13, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, the "school disaster loan fund" refers to the school disaster loan fund described in IC 20-49-2-11.

(b) There is transferred to the school disaster loan fund from the state general fund not later than July 1, 2021, an amount sufficient to pay off the loan that was made to the School City of East Chicago school corporation from the school disaster loan fund for the construction, remodel, and repair of a former middle school. On the date of the transfer, the loan is considered paid.

(c) The advance agreement between the state board of education and the School City of East Chicago school corporation for the loan described in subsection (b) is fulfilled on the date the loan is paid off under subsection (b).

(d) This SECTION expires July 1, 2022.

SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 55 as printed March 25, 2021.)

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Harris withdrew the motion. The bill was ordered engrossed.

### Engrossed Senate Bill 94

Representative Thompson called down Engrossed Senate Bill 94 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 94-1)

Mr. Speaker: I move that Engrossed Senate Bill 94 be amended to read as follows:

Page 8, line 23, delete "A" and insert "An".

Page 9, line 16, delete "If" and insert "Except as provided in subsection (c), if".

Page 9, between lines 19 and 20, begin a new paragraph and insert:

"(c) If the overpayment described in subsection (a):

(1) began before July 1, 2015; and

(2) was caused by no fault of the member, survivor, or beneficiary;

the board may only require a member, survivor, or beneficiary to pay the amount of the overpayment of benefits received during the six (6) years before the date that the Indiana public retirement system discovers the overpayment and attempts to notify the member, survivor, or beneficiary of the overpayment. If an overpayment subject to this subsection occurs, the board may not require a

member, survivor, or beneficiary to pay more than ten percent (10%) of their monthly benefit toward the overpayment. The board may not use any method to collect an overpayment of benefits under this subsection other than those specified in this section."

Page 10, line 5, delete "If" and insert "Except as provided in subsection (e), if".

Page 10, between lines 8 and 9, begin a new paragraph and insert:

"(e) If the overpayment described in subsection (a):

(1) began before July 1, 2015; and

(2) was caused by no fault of the member, survivor, or beneficiary;

the board may only require a member, survivor, or beneficiary to pay the amount of the overpayment of benefits received during the six (6) years before the date that the Indiana public retirement system discovers the overpayment and attempts to notify the member, survivor, or beneficiary of the overpayment. If an overpayment subject to this subsection occurs, the board may not require a member, survivor, or beneficiary to pay more than ten percent (10%) of their monthly benefit toward the overpayment. The board may not use any method to collect an overpayment of benefits under this subsection other than those specified in this section."

(Reference is to ESB 94 as printed March 25, 2021.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 144

Representative Mayfield called down Engrossed Senate Bill 144 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### Engrossed Senate Bill 175

Representative Steuerwald called down Engrossed Senate Bill 175 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 175-1)

Mr. Speaker: I move that Engrossed Senate Bill 175 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. ~~Beer~~. The term "beer" means an alcoholic beverage obtained by the fermentation of:

(1) an infusion or decoction of:

(A) barley malt or other cereal; and

(B) hops;

in water; or

(2) cereal byproducts."

Renumber all SECTIONS consecutively.

(Reference is to ESB 175 as printed March 29, 2021.)

MOED

Motion prevailed. The bill was ordered engrossed.

### Engrossed Senate Bill 304

Representative Torr called down Engrossed Senate Bill 304 for second reading. The bill was read a second time by title.

### HOUSE MOTION (Amendment 304-1)

Mr. Speaker: I move that Engrossed Senate Bill 304 be amended to read as follows:

Page 2, after line 24, begin a new paragraph and insert:

"SECTION 2. IC 5-23-3-2, AS AMENDED BY P.L.211-2019, SECTION 6, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) BOT agreements may provide the following:

- (1) The design, construction, operation, management, maintenance, or financing of the cost of a public facility shall be partially or entirely the responsibility of the operator.
- (2) The governmental body may lease the public facility and real property owned by the governmental body upon which the public facility is to be located to the operator for a predetermined period. Except as provided in subdivision (7), the BOT agreement must provide for ownership of all improvements by the governmental body, unless the governmental body elects to provide for ownership of the public facility by the operator during the term of the BOT agreement. In this case, ownership reverts back to the governmental body upon the termination of the BOT agreement.
- (3) The BOT agreement must identify which costs are to be the responsibility of the operator and which costs are to be the responsibility of the governmental body.
- (4) The operator may be authorized to retain a mutually agreed upon percentage of the revenues received in the operation and management of the public facility, or the operator may be paid an amount established by the governmental body, which shall be applied as follows:
  - (A) Capital outlay costs for the public facility and public service plus interest and principal repayment for any debt incurred.
  - (B) Costs associated with the operation, management, and maintenance of the public facility.
  - (C) Payment to the governmental body for reimbursement of the costs of maintenance, law enforcement, and other services if the services are performed by the governmental body under the BOT agreement.
  - (D) An agreed upon return on investment to the operator.
- (5) The operator may pay the governmental body either a lease payment or a percentage of gross revenue per month for the operator's operation and use of the public facility.
- (6) This subdivision applies only to a BOT agreement entered into before July 1, 2019. The BOT agreement may require a performance bond and provide for the payment of contractors and subcontractors under IC 4-13.6-7, IC 5-16-5, or IC 36-1-12, whichever is applicable.
- (7) If a regional jail (as defined in IC 11-12-5.5-1) is the subject of a BOT agreement under this chapter, the operator and the governmental body may mutually agree that ownership of the regional jail will remain with the operator during the term of the BOT agreement and after termination of the BOT agreement. The governmental body shall pay costs associated with the design, construction, financing, operation, management, and maintenance of the regional jail from funds identified under IC 11-12-5.5-3.
- (8) This subdivision applies only to a BOT agreement entered into after June 30, 2019. The BOT agreement must provide for the following:
  - (A) The payment of contractors and subcontractors under IC 4-13.6-7, IC 5-16-5, or IC 36-1-12, whichever is applicable.
  - (B) The bonding provisions stated in subsection (b).
- (9) **The BOT agreement may provide for the transfer of the public facility to the governmental body by means of a lease or an installment contract. The lease payments or installment payments may be made from any source legally available to the governmental body for such purpose. Lease payments or installment payments payable from property taxes pursuant to a BOT agreement constitute "debt service obligations of**

**a political subdivision" for purposes of IC 6-1.1-20.6.**

(b) The BOT agreement provisions for payment and performance bonds under subsection (a)(8) are as follows:

(1) For a payment bond, an amount not less than one hundred percent (100%) of the cost to design and construct the public facility.

(2) For a performance bond, an amount not less than fifty percent (50%) of the cost to design and construct the public facility."

Renumber all SECTIONS consecutively.

(Reference is to ESB 304 as printed March 25, 2021.)

BARTELS

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 352

Representative Manning called down Engrossed Senate Bill 352 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 352-1)

Mr. Speaker: I move that Engrossed Senate Bill 352 be amended to read as follows:

Page 2, line 20, after "a" insert "**terrestrial**".

(Reference is to ESB 352 as printed March 29, 2021.)

MANNING

Motion prevailed. The bill was ordered engrossed.

#### Engrossed Senate Bill 359

Representative Manning called down Engrossed Senate Bill 359 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

### REPORTS FROM COMMITTEES

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 123 as reprinted February 2, 2021.)

Committee Vote: Yeas 11, Nays 0.

VANNATTER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 251, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 251 as printed February 12, 2021.)

Committee Vote: Yeas 8, Nays 3.

VANNATTER, Chair

Report adopted.

#### MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On April 1, 2017, I signed into law House Enrolled Acts 1006, 1060, 1065, 1072, 1082, 1109, 1111, 1231, 1314 and 1496.

ERIC HOLCOMB  
Governor

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 123 had been referred to the Committee on Ways and Means.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as cosponsor of Engrossed Senate Bill 144.

MAYFIELD

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Olthoff be added as cosponsor of Engrossed Senate Bill 239.

HEINE

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Carbaugh be added as cosponsor of Engrossed Senate Bill 251.

GOODRICH

Motion prevailed.

#### HOUSE MOTION

Mr. Speaker: I move that Representative Prescott be added as cosponsor of Engrossed Senate Bill 359.

MANNING

Motion prevailed.

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1520, 1532, 1537 and 1553 and the same are herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1064, 1118, 1168, 1169, 1197, 1198, 1199, 1220, 1252, 1340, 1353, 1365, 1372, 1437, 1449, 1516 and 1536 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 34, 35, 36 and 37 and the same are herewith returned to the House.

JENNIFER L. MERTZ  
Principal Secretary of the Senate

#### MESSAGE FROM THE SENATE

Mr. Speaker: Pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric Bray has appointed/removed/changed the following Senator(s) as Senate conferees (or advisors) on Engrossed House Bill 1123:

Conferees: Bray and Taylor  
Advisors: Glick, Mrvan and Gaskill

JENNIFER L. MERTZ  
Principal Secretary of the Senate

On the motion of Representative Pack, the House adjourned at 12:43 p.m., this first day of April, 2021, until Monday, April 5, 2021, at 1:30 p.m.

TODD M. HUSTON  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives